Before

**The Public Utilities Commission of Ohio**

In the Matter the Application of Duke )

Energy Ohio, Inc. for the Establishment of a ) Case No. 12-2400-EL-UNC

Charge Pursuant to Section 4909.18, )

Revised Code. )

In the Matter of the Application of Duke )

Energy Ohio, Inc. for Approval to Change ) Case No. 12-2401-EL-AAM

Accounting Methods. )

In the Matter of the Application of Duke )

Energy Ohio, Inc. for the Approval of a ) Case No. 12-2402-EL-ATA

Tariff for a New Service. )

# MOTION TO INTERVENE AND MEMORANDUM IN SUPPORT

# OF WAUSAU PAPER TOWEL & TISSUE, LLC

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September 21, 2012 Attorneys for Wausau Paper Towel & Tissue, LLC

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# MOTION TO INTERVENE OF WAUSAU PAPER TOWEL & TISSUE, LLC

Wausau Paper Towel & Tissue, LLC (“Wausau Paper”) hereby respectfully moves the Public Utilities Commission of Ohio (“Commission”), pursuant to Section 4903.221, Revised Code, and Rule 4901-1-11, Ohio Administrative Code (“OAC”), for leave to intervene in the above-captioned matters with the full powers and rights granted by the Commission, specifically by statute or by the provisions of the Ohio Administrative Code, to intervening parties.

On August 29, 2012, Duke Energy Ohio, Inc. (“Duke”) filed an application to establish a charge pursuant to Section 4909.18, Revised Code, for approval to change accounting methods, and for the approval of a tariff for a new service (“Application”). The price of capacity in Duke’s service territory is currently set by PJM Interconnection LLC’s (“PJM”) Reliability Pricing Model (“RPM”). Duke’s Application seeks to increase the price of capacity to a “cost-based” rate. On September 13, 2012, the Attorney Examiner directed that motions to intervene be filed by October 15, 2012. Therefore, this Motion to Intervene is timely.

As demonstrated further in the Memorandum in Support attached hereto and incorporated herein, Wausau Paper has a direct, real, and substantial interest in the issues and matters involved in the above-captioned proceedings, and is so situated that the disposition of these proceedings may, as a practical matter, impair or impede its ability to protect that interest. Wausau Paper believes that its participation will not unduly prolong or delay these proceedings and that it will significantly contribute to the full development and equitable resolution of the factual and other issues in these proceedings. The interests of Wausau Paper will not be adequately represented by other parties to these proceedings and, as such, Wausau Paper is entitled to intervene with the full powers and rights granted by the Commission, specifically by statute and by the provisions of the Ohio Administrative Code, to intervening parties.

Further, Wausau Paper hereby requests that the following parties be included on the service list in these proceedings:

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 Respectfully submitted,

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Attorneys for Wausau Paper Towel & Tissue, LLC

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# MEMORANDUM IN SUPPORT

The Supreme Court of Ohio has determined that “intervention ought to be liberally allowed so that the positions of all persons with a real and substantial interest in the proceedings can be considered by the PUCO.”[[1]](#footnote-1) In support of this Motion to Intervene, Wausau Paper has over 110 years of experience and currently employs over 2,500 employees throughout the United States. Wausau Paper is a leader in the manufacture and sales of premium and technical specialty papers used in industrial, commercial and consumer end markets and a complete line of towel, tissue, soap and dispensing systems for the away-from-home market.

Duke’s Application to increase the rate charged for generation capacity service does not appear to be just and reasonable; thus, the Commission must set the matter for hearing. Wausau Paper has a real and substantial interest inasmuch as these proceedings may directly or indirectly impact the provision of electric service to Wausau Paper’s Middletown, Ohio mill. Specifically, Wausau Paper’s direct interest in these proceedings is the result of the effect that these proceedings shall have upon the price, adequacy, and reliability of electric service provided by Duke to Wausau Paper’s manufacturing facilities. The resolution of these proceedings may impact the ability of Wausau Paper to compete in the global economy. Wausau Paper will contribute to the full and complete development of these proceedings, and Wausau Paper’s rights will not be adequately represented by any other intervenor if this Motion to Intervene is denied. Therefore, Wausau Paper requests that the Commission grant this Motion to Intervene.

Respectfully submitted,

 /s/ Matthew R. Pritchard

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Attorneys for Wausau Paper Towel & Tissue, LLC

**CERTIFICATE OF SERVICE**

#### I hereby certify that a copy of the foregoing *Motion to Intervene and Memorandum in Support of Wausau Paper Towel & Tissue, LLC*, was served upon the following parties of record this 21st day of September, 2012 via electronic distribution, hand-delivery or first class U.S. mail, postage prepaid.

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1. *Ohio Consumers' Counsel v. Pub. Util. Comm.*, 111 Ohio St. 3d 384, ¶ 20 (2006). [↑](#footnote-ref-1)