BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application for Integration of Mercantile Customer Energy Efficiency or Peak-Demand Reduction Programs between Duke Energy Ohio, Inc. and AK Steel Corporation	)))))	Case No. 14-146-EL-EEC

MOTION TO INTERVENE

BY

DUKE ENERGY OHIO, INC.

Now comes Duke Energy Ohio, Inc., (Duke Energy Ohio or the Company) and moves to intervene as a full party of record in the above-captioned proceedings pursuant to R.C. 4903.221 and O.A.C. 4901-1-11. The basis for Duke Energy Ohio's motion is set forth in the attached memorandum in support, which is incorporated herein by reference.

Respectfully submitted,

DUKE ENERGY OHIO, INC.

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MEMORANDUM IN SUPPORT

I. Introduction

4901:1-39-05, Ohio Administrative Code (O.A.C.) permits a mercantile customer to file either individually or jointly with an electric utility, an application to commit the customer's demand reduction, demand response and energy efficiency programs for integration with the electric utility's programs. On January 31, 2014 , AK Steel Corporation (AK Steel) filed its application to commit energy efficiency/peak demand reduction programs (Application) individually.

II. Legal Standard

R.C. 4903.221(B) sets forth the criteria that the Public Utilities Commission of Ohio (Commission) is required to consider in ruling on applications to intervene. These criteria include:

(1) The nature and extent of the prospective intervenor's interest.

(2) The legal position advanced by the prospective intervenor and its probable relation to the merits of the case.

(3) Whether the intervention by the prospective intervenor will unduly prolong or delay the proceedings.

(4) Whether the prospective intervenor will significantly contribute to full development and equitable resolution of the factual issues.[1]

The Commission has provided additional detail on the intervention requirements through the promulgation of O.A.C. 4901-1-11. Specifically, that rule requires that the Commission allow intervention by a person who has a "real and substantial interest in the proceeding" and who "is so situated that the disposition of the proceeding may...impair or impede [their] ability to protect that interest, unless the person's interest is adequately represented by existing

[1] R.C. 4903.221.

parties."[2] Consistent with the statutory provisions, the rule also lists several factors for the Commission to consider in determining whether a potential intervenor meets that standard:

(1) The nature and extent of the prospective intervenor's interest.

(2) The legal position advanced by the prospective intervenor and its probable relation to the merits of the case.

(3) Whether the intervention by the prospective intervenor will unduly prolong or delay the proceedings.

(4) Whether the prospective intervenor will significantly contribute to full development and equitable resolution of the factual issues.

(5) The extent to which the person's interest is represented by existing parties.[3]

As discussed below, Duke Energy Ohio satisfies these criteria and its intervention in these proceedings is therefore warranted.

III. Duke Energy Ohio Should be Granted Intervention in These Proceedings.

As part of the proposal in its Application, AK Steel proposes committing energy efficiency and peak demand credits to Duke Energy Ohio's benchmark requirements as set forth in R.C.4928.66. Duke Energy Ohio has a real and substantial interest in these proceedings and its intervention is warranted so that Duke Energy Ohio may ensure that credits that purport to comply with the mandates are properly evaluated.[4] No other party represents Duke Energy Ohio's interests. Further, Duke Energy Ohio's participation will contribute to the development of the issues and an equitable resolution. As no deadline for intervention has been set in these proceedings, Duke Energy Ohio's intervention will not unduly prolong or delay the proceedings.

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[2] O.A.C. 4901-1-11(A).
[3] O.A.C. 4901-1-11(B).
[4] *Application to Commit Energy Efficiency/Peak Demand Reduction Programs* Case No. 14-146-EL-EEC (January 31, 2014)

Given Duke Energy Ohio's requirement to comply with energy efficiency and peak demand requirements as set forth in R.C.4928.66 and AK Steel's proposed commitment to the Company's energy efficiency benchmarks, Duke Energy Ohio also respectfully suggests that its intervention will significantly contribute to the full development and equitable resolution of the factual issues pertinent to the Application.

Duke Energy Ohio therefore respectfully requests that the Commission grant its motion to intervene and that it be made a full party of record.

Respectfully submitted,

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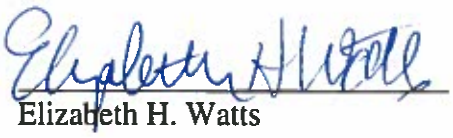
PROOF OF SERVICE

I certify that Duke Energy Ohio, Inc.'s Comments were served by electronic mail upon counsel identified below for all parties of record this 24th day of March, 2014.



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