**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

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| In the Matter of the Fuel Adjustment Clauses for Columbus Southern Power Company and Ohio Power Company and Related Matters. | )  )  )  ) | Case No. 11-281-EL-FAC |

**DUKE ENERGY COMMERCIAL ASSET MANAGEMENT, INC.’S REPLY MEMORANDUM IN SUPPORT OF ITS**

**MOTION TO INTERVENE**

Pursuant to O.A.C. 4901-1-12(B)(2), Duke Energy Commercial Asset Management, Inc. (DECAM) hereby replies to Ohio Power Company’s (AEP Ohio) Memorandum Contra DECAM’s Motion to Intervene in this proceeding.

**I. ARGUMENT**

**A. Because This Proceeding Impacts Prices Going Forward, DECAM Has A Real And Substantial Interest In This Proceeding As The Only Proposed Intervenor That Is A Wholesale Supplier.**

The wholesale market, and DECAM’s business interests, will be directly impacted by rates being charged under AEP Ohio’s standard service offer (SSO). The level of an avoidable charge such as Rider FAC directly impacts whether customers choose AEP Ohio’s SSO, or elect to shop. As a potential bidder in the wholesale auctions to serve that SSO, DECAM’s interests will clearly be affected by the outcome of this proceeding. AEP Ohio’s suggestion that the impact on DECAM is minimal because the audit is retrospective is flawed. Even though this proceeding analyzes AEP’s fuel procurement practices in 2010 and 2011, the audit will influence prices going forward.

DECAM has a real and substantial interest in protecting its ability to compete in the SSO. Contrary to AEP Ohio’s contention that purely competitive interests do not justify intervention, the Commission has routinely recognized that such interests are indeed an adequate basis for intervention. *See* *In re Purchased Gas Adjustment Clause of The East Ohio Gas Company*, Case No. 05-219-GA-GCR at 6 (Dec. 2, 2005) (granting Interstate Gas Supply’s motion to intervene because gas cost recovery rate proceedings had a demonstrated impact on competitive markets and the interests of competitive suppliers); *In re Purchased Gas Adjustment Clause of Columbia Gas of Ohio, Inc.*, No. 04-221-GA-GCR, No. 05-221-GA-GCR at 2 (Nov. 17, 2005) (“Further, the examiner finds that issues related to the competitive market, competitive gas suppliers and their customers may arise in these proceedings . . . Therefore, the examiners finds that IGS has stated a real and substantial interest and IGS’ motion to intervene should be granted.”); *In re Purchased Gas Adjustment Clause of The Cincinnati Gas & Electric Co.*, No. 05-218-GA-GCR at 5 (Nov. 15, 2005) (same). Thus, AEP Ohio’s objection to DECAM’s intervention because of a perceived lack of a real or substantial business interest lacks merit and should be overruled.

Finally, as noted by AEP Ohio, no other wholesale supplier has sought intervention in this proceeding. Thus, no other party this proceeding is in a similar situation as DECAM, and no other party to this proceeding can adequately protect or represent DECAM’s interests. Therefore, DECAM’s motion to intervene should be granted.

**B. DECAM’s Motion To Intervene Is Timely And Will Not Unduly Prolong The Resolution Of This Proceeding.**

AEP Ohio’s suggestion that DECAM’s intervention in this proceeding will cause undue delay is disingenuous. The Attorney Examiners set a deadline for motions to intervene with the hearing date in mind. AEP Ohio was aware of this deadline, knew of the potential of intervening parties, and did not object to the deadline’s proximity to the hearing date. Because AEP Ohio assented to the intervention deadline, and because DECAM’s motion was timely, AEP Ohio cannot now contend that intervention by DECAM at this stage will prolong these proceedings.

**II. CONCLUSION**

The resolution of issues in this proceeding may have a direct impact on the ability of wholesale suppliers to compete in the market. DECAM, as a wholesale supplier, therefore has a real and substantial interest in this proceeding that is not adequately represented by existing parties. DECAM therefore respectfully requests that the Commission grant its motion to intervene and that it be made a full party of record.

Respectfully submitted,

DUKE ENERGY COMMERCIAL ASSET MANAGEMENT, INC.

/s/ Philip B. Sineneng

Philip B. Sineneng

THOMPSON HINE LLP

41 S. High Street, Suite 1700

Columbus, OH 43215

Tel: (614) 469-3200

Fax: (614) 469-3361

Philip.Sineneng@ThompsonHine.com

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing *Reply Memorandum in Support of Motion to Intervene* was served this 22nd day of October, 2013, via e-mail upon the following counsel of record:

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| Amy B. Spiller  Rocco O. D’Ascenzo  Jeanne W. Kingery  Duke Energy Ohio Inc.  139 East Fourth Street 1303-Main  P.O. Box 961  Cincinnati, OH 45201-0960  amy.spiller@duke-energy.com  rocco.d’ascenzo@duke-energy.com  Jeanne.kingery@duke-energy.com | Stephen T. Nourse  Matthew J. Satterwhite  Yazen Alami  American Electric Power Company  1 Riverside Plaza 29th Floor  Columbus, OH 43215  stnourse@aep.com  mjsatterwhite@aep.com  yalami@aep.com |
| Samuel C Randazzo  Frank P. Darr  Joseph E. Oliker  McNees Wallace & Nurick Llc  21 East State St 17th Floor  Columbus, OH 43215  sam@mwncmh.com  fdarr@mwncmh.com  joliker@mwncmh.com | Thomas McNamee  Steven Beeler  Assistant Attorney General  Public Utilities Section  180 E. Broad St., 6th Floor  Columbus, OH 43215  thomas.mcnamee@puc.state.oh.us  steven.beeler@puc.state.oh.us |
| Terry Etter  Office of Ohio Consumers’ Counsel  10 W. Broad Street Suite 1800  Columbus, OH 43215  etter@occ.state.oh.us |  |

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/s/ Philip B. Sineneng

Philip B. Sineneng