

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of Duke)
Energy Ohio, Inc., to Adjust and Set the) Case No. 09-770-EL-UNC
Annually Adjusted Component of its Market-)
Based Standard Service Offer.)

ENTRY

The attorney examiner finds:

- (1) By opinion and order issued December 17, 2008, in *In the Matter of the Application of Duke Energy Ohio, Inc., for Approval of an Electric Security Plan*, Case No. 08-920-EL-SSO, et. al, the Commission approved a stipulation submitted by Duke Energy Ohio, Inc., (Duke) and other parties in that case. The stipulation, as approved, provides that Duke may submit a request annually for the recovery of net incremental costs or credits associated with environmental compliance, homeland security, and changes in tax law included in the price-to-compare, annually adjusted component rider (Rider PTC-AAC). The stipulation states that such request will be subject to due process and the opportunity for hearing.
- (2) On September 1, 2009, Duke filed an application to establish a new price for Rider PTC-AAC, along with testimony supporting the application.
- (3) On September 9, 2009, a motion for admission *pro hac vice*, requesting that David Rinebolt be admitted to practice before the Commission in this proceeding was filed. Mr. Rinebolt represents Ohio Partners for Affordable Energy (OPAE). Mr. Rinebolt is an active member of the District of Columbia Bar, and has been granted permission to practice *pro hac vice* before the Commission on numerous occasions. The attorney examiner finds that the motion is reasonable and should be granted.
- (4) The Office of the Ohio Consumers' Counsel (OCC) and OPAE each timely filed motions to intervene in this case. In its motion to intervene, OCC asserts that approval of Duke's

application would result in a rate increase for numerous residential customers, whom OCC represents. OCC states that its significant experience in Commission proceedings will allow for the efficient processing of these matters with consideration of the public interest. OPAE asserts, in its motion to intervene, that its stated purpose, advocating for affordable energy policies for low and moderate income Ohioans, indicates that it has a real and substantial interest in these matters, which will address the annually adjusted component of Duke's standard service offer. OPAE also contends that, because it provides essential services, including bill payment assistance programs, and weatherization and energy efficiency services to low income customers of Duke, and counts Duke's ratepayers among its members, it is a proper intervenor. No one filed memorandum contra the motions to intervene filed by OCC and OPAE. The attorney examiner finds that OCC and OPAE have set forth reasonable grounds for intervention. Accordingly, their motions to intervene should be granted.

It is, therefore,

ORDERED, That the motion for admission *pro hac vice* of David Rinebolt be granted. It is, further,

ORDERED, That the motions to intervene filed by OCC and OPAE be granted. It is, further,

ORDERED, That a copy of this entry be served upon all parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

Katie L. Stenman
By: Katie L. Stenman
Attorney Examiner

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/dah

Entered in the Journal

OCT 26 2009
Renee J. Jenkins
Renee J. Jenkins
Secretary