

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Duke Energy)	
Ohio, Inc. for the Establishment of a Charge)	Case No. 12-2400-EL-UNC
Pursuant to Revised Code Section 4909.18.)	
In the Matter of the Application of Duke Energy)	
Ohio, Inc. for Approval to Change Accounting)	Case No. 12-240-1-EL-AAM
Methods.)	
In the Matter of the Application of Duke Energy)	
Ohio, Inc. for the Approval of a Tariff for a New)	Case No.12-2402-EL-ATA
Service.)	

**MOTION TO INTERVENE AND MEMORANDUM IN SUPPORT
OF THE GREATER CINCINNATI HEALTH COUNCIL**

The Greater Cincinnati Health Council ("GCHC") hereby moves the Public Utilities Commission of Ohio ("Commission") pursuant to Revised Code § 4903.221 and Commission Rule 4901-1-11, to intervene as a party to the above-captioned proceedings. As set forth in the Memorandum in Support, GCHC submits that this motion is timely, that GCHC has a real and substantial interest in these proceedings, that it is so situated that the disposition of these proceedings without GCHC's participation may impair or impede its ability to protect that interest, and that its participation in these proceedings will contribute to a just result. GCHC further submits that no existing party represents its interest in these proceedings and that granting its motion to intervene will not unduly delay these proceedings or unjustly prejudice any existing party.

Respectfully submitted,

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MEMORANDUM IN SUPPORT

On August 29, 2012 Duke Energy Ohio filed an Application in the above captioned proceedings for approval of additional capacity charges over and above what it agreed to accept in Case No. 11-3549-EL-SSO. GCHC is a non-profit association of hospitals and other health care facilities who individually are substantial consumers of electric energy and are generally located within the distribution service area of Duke Energy Ohio. GCHC was a signatory to the Stipulation and Recommendation that resolved Case No. 11-3549-EL-SSO. The application filed by Duke Energy Ohio seeks to recover substantially more than the amount Duke agreed to accept for its legacy capacity costs in that case and could significantly impact the prices paid by GCHC's members for electric service.

The standard for intervention in Commission proceedings is governed by Revised Code § 4903.221, as further stated in Commission Rule 4901-1-11, Ohio Administrative Code:

Upon timely motion, any person shall be permitted to intervene in a proceeding upon a showing that:

* * *

(2) The person has a real and substantial interest in the proceeding, and the person is so situated that the disposition of the proceeding may, as a practical matter, impair or impede his or her ability to protect that interest, unless the person's interest is adequately represented by existing parties.

Factors that the Commission considers when applying the rule include the nature of the intervenor's interest, the extent that interest is represented by existing parties, the intervenor's potential contribution to a just and expeditious resolution of the issues involved, and whether intervention would result in an undue delay of the proceeding.

Duke Energy Ohio only filed its application in the last week and there has been no action by the Commission to date. Therefore, this Motion to Intervene is timely.

The GCHC has a real and substantial interest in this proceeding because many of its members are substantial consumers of electric service and most are electric distribution service customers of Duke Energy Ohio. The GCHC was a party to Duke Energy Ohio's most recent SSO proceeding, Case No. 10-2586-EL-SSO, and the Stipulation and Recommendation that resolved that case. Among many other things, the Stipulation and Recommendation resolved the amount that Duke Energy Ohio would be allowed to charge for capacity during its current ESP term, which term coincides with the period Duke Energy Ohio will be an FRR entity in PJM. The recent filing would set aside that agreement and add over \$775 million in capacity costs over a three year period.

Almost all of GCHC's hospital members are not for profit organizations. Utility costs represent a substantial portion of hospitals' operating expenses, which affects the cost of health care in Ohio. The availability of a reliable and robust electric supply is also critical to patient safety and disaster preparedness. Many of GCHC's members have their own standby electrical generation capacity in order to assure the constant availability of necessary electric power, which distinguishes them from most Duke Energy Ohio customers. While several other parties have

already sought intervention in this proceeding, none of them is similarly situated to or represents the interests of the GCHC or its members.

Consistent with the requirements of Revised Code § 4903.221 and Commission Rule 4901-1-11, this motion is timely; the GCHC has a real and substantial interest herein; its interest is not represented by existing parties; it will contribute to the just and expeditious resolution of the issues and concerns raised in these proceedings; and its participation in these proceedings will not cause undue delay or unjustly prejudice any existing party.

For these reasons, the GCHC respectfully requests that this motion to intervene in the above-captioned proceedings be granted.

Respectfully submitted,

/s/ Douglas E. Hart

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion to Intervene and Memorandum in Support was served upon the parties of record listed below this 4th day of September, 2012 by electronic service.

/s/ Douglas E. Hart _____

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Summary: Motion to Intervene electronically filed by Mr. Douglas E. Hart on behalf of Greater Cincinnati Health Council