

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Duke Energy Ohio, Inc., for an Increase in Gas Rates.)	Case No. 12-1685-GA-AIR
)	
)	
In the Matter of the Application of Duke Energy Ohio, Inc., for Tariff Approval.)	Case No. 12-1686-GA-ATA
)	
)	
In the Matter of the Application of Duke Energy Ohio, Inc., for the Approval of an Alternative Rate Plan for Gas Distribution Service.)	Case No. 12-1687-GA-ALT
)	
)	
In the Matter of the Application of Duke Energy Ohio, Inc., for Approval to Change Accounting Methods.)	Case No. 12-1688-GA-AAM
)	

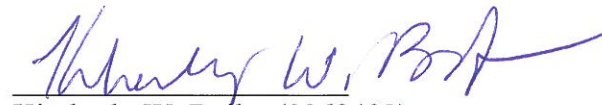
**MOTION TO INTERVENE
OF THE KROGER CO.**

Pursuant to Section 4903.221, Revised Code, and Rule 4901-1-11, Ohio Administrative Code, The Kroger Co. (Kroger) hereby respectfully moves the Public Utilities Commission of Ohio (Commission) for leave to intervene in the above-captioned matter with the full powers and rights granted to intervening parties.

As demonstrated further in the attached Memorandum in Support, Kroger has a real and substantial interest in this proceeding, which may be adversely affected by the outcome of this proceeding and which cannot be adequately represented by any existing parties. Accordingly, Kroger satisfies the standard for intervention set forth in the Commission's rules and by statute.

WHEREFORE, Kroger respectfully requests that the Commission grant this motion for leave to intervene and that Kroger be made a full party of record.

Respectfully Submitted,



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MEMORANDUM IN SUPPORT

On June 7, 2012, Duke Energy Ohio, Inc. (Duke) filed a notice of intent to file an application for approval of an increase in its gas rates. On July 9, 2012, Duke filed its application for an increase in its gas rates. Kroger is a substantial consumer of natural gas in Duke's service area. The application filed by Duke, if granted by the Commission, may directly or indirectly impact the provision of natural gas service to Kroger, and could significantly impact prices paid by it for natural gas service.

Section 4903.221, Revised Code, and Rule 4901-1-11, Ohio Administrative Code, establish the standard for intervention in the above-captioned proceeding. Section 4903.221, Revised Code, provides, in part, that any person "who may be adversely affected" by a Commission proceeding is entitled to seek intervention in that proceeding. Section 4903.221(B), Revised Code, further requires the Commission to consider the nature and extent of the

prospective intervenor's interest, the legal position advanced by the prospective intervenor and its probable relation to the merits of the case, whether the intervention by the prospective intervenor will unduly prolong or delay the proceeding, and the prospective intervenor's potential contribution to a just and expeditious resolution of the issues involved.

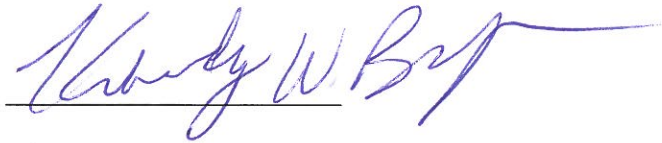
Rule 4901-1-11, Ohio Administrative Code, permits intervention to a party who has a real and substantial interest in the proceeding and who is so situated that the disposition of the proceeding may impair or impede his ability to protect that interest and whose interest is not adequately represented by an existing party.

Kroger is one of the largest grocers in the United States. Kroger has over 65 facilities served by Duke. The grocery stores operated by Kroger use natural gas and electricity for food storage, lighting, heating, cooling, and distribution, often 24 hours a day, 7 days a week. Therefore, Kroger has a direct, real, and substantial interest in the issues raised in this proceeding and is so situated that the disposition of the proceeding may, as a practical matter, impair or impede its ability to protect that interest. Kroger is regularly and actively involved in Commission proceedings, and as in previous proceedings, Kroger's unique knowledge and prospective will contribute to the full development and equitable resolution of the factual issues in this proceeding, and Kroger's interest will not be adequately represented by other parties to the proceeding. Finally, this timely intervention will not unduly delay or prolong the proceeding.

Kroger satisfies the criteria set forth in Section 4903.221, Revised Code, and Rule 4901-1-11, Ohio Administrative Code, and is, therefore, authorized to intervene with the full powers and rights granted by the Commission to intervening parties.

WHEREFORE, Kroger respectfully requests that the Commission grant this motion for leave to intervene and that Kroger be made a full party of record.

Respectfully Submitted,

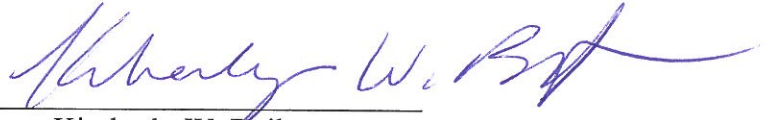


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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of the foregoing document was served this 5th day of September, 2012 by electronic mail if available or by regular U.S. mail, postage prepaid, upon the persons listed below.



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This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

9/5/2012 4:10:31 PM

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Summary: Motion to Intervene of the Kroger Co. and Memorandum in Support electronically filed by Mrs. Kimberly W. Bojko on behalf of The Kroger Co.