

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter the Application of Duke)	
Energy Ohio, Inc. for the Establishment of a)	Case No. 12-2400-EL-UNC
Charge Pursuant to Section 4909.18,)	
Revised Code.)	

In the Matter of the Application of Duke)	
Energy Ohio, Inc. for Approval to Change)	Case No. 12-2401-EL-AAM
Accounting Methods.)	

In the Matter of the Application of Duke)	
Energy Ohio, Inc. for the Approval of a)	Case No. 12-2402-EL-ATA
Tariff for a New Service.)	

**MOTION TO INTERVENE AND MEMORANDUM IN SUPPORT
OF WAUSAU PAPER TOWEL & TISSUE, LLC**

Samuel C. Randazzo
(Counsel of Record)
Frank P. Darr
Joseph E. Olikier
Matthew R. Pritchard
MCNEES WALLACE & NURICK LLC
21 East State Street, 17TH Floor
Columbus, OH 43215
Telephone: (614) 469-8000
Telecopier: (614) 469-4653
sam@mwncmh.com
fdarr@mwncmh.com
joliker@mwncmh.com
mpritchard@mwncmh.com

September 21, 2012

**Attorneys for Wausau Paper Towel &
Tissue, LLC**

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter the Application of Duke)	
Energy Ohio, Inc. for the Establishment of a)	Case No. 12-2400-EL-UNC
Charge Pursuant to Section 4909.18,)	
Revised Code.)	

In the Matter of the Application of Duke)	
Energy Ohio, Inc. for Approval to Change)	Case No. 12-2401-EL-AAM
Accounting Methods.)	

In the Matter of the Application of Duke)	
Energy Ohio, Inc. for the Approval of a)	Case No. 12-2402-EL-ATA
Tariff for a New Service.)	

MOTION TO INTERVENE OF WAUSAU PAPER TOWEL & TISSUE, LLC

Wausau Paper Towel & Tissue, LLC ("Wausau Paper") hereby respectfully moves the Public Utilities Commission of Ohio ("Commission"), pursuant to Section 4903.221, Revised Code, and Rule 4901-1-11, Ohio Administrative Code ("OAC"), for leave to intervene in the above-captioned matters with the full powers and rights granted by the Commission, specifically by statute or by the provisions of the Ohio Administrative Code, to intervening parties.

On August 29, 2012, Duke Energy Ohio, Inc. ("Duke") filed an application to establish a charge pursuant to Section 4909.18, Revised Code, for approval to change accounting methods, and for the approval of a tariff for a new service ("Application"). The price of capacity in Duke's service territory is currently set by PJM Interconnection LLC's ("PJM") Reliability Pricing Model ("RPM"). Duke's Application seeks to increase the price of capacity to a "cost-based" rate. On September 13, 2012, the Attorney

Examiner directed that motions to intervene be filed by October 15, 2012. Therefore, this Motion to Intervene is timely.

As demonstrated further in the Memorandum in Support attached hereto and incorporated herein, Wausau Paper has a direct, real, and substantial interest in the issues and matters involved in the above-captioned proceedings, and is so situated that the disposition of these proceedings may, as a practical matter, impair or impede its ability to protect that interest. Wausau Paper believes that its participation will not unduly prolong or delay these proceedings and that it will significantly contribute to the full development and equitable resolution of the factual and other issues in these proceedings. The interests of Wausau Paper will not be adequately represented by other parties to these proceedings and, as such, Wausau Paper is entitled to intervene with the full powers and rights granted by the Commission, specifically by statute and by the provisions of the Ohio Administrative Code, to intervening parties.

Further, Wausau Paper hereby requests that the following parties be included on the service list in these proceedings:

Mr. Thomas W. Craven
Vice President – Supply Chain Management
Wausau Paper Corp.
200 Paper Place
Mosinee, Wisconsin 54455-9099
tcraven@wausaupaper.com

Ms. Karen Campbell
Energy Consultant
Energy Strategies, Inc.
525 South Main Street, Suite 900
Tulsa, Oklahoma 74103-4510
kcampbell@energy-strategies.com

Mr. Lawrence W. Thompson
Energy Consultant
Energy Strategies, Inc.
525 South Main Street, Suite 900
Tulsa, Oklahoma 74103-4510
lthompson@energy-strategies.com

Respectfully submitted,

/s/ Matthew R. Pritchard

Samuel C. Randazzo

(Counsel of Record)

Frank P. Darr

Joseph E. Olier

Matthew R. Pritchard

MCNEES WALLACE & NURICK LLC

21 East State Street, 17TH Floor

Columbus, OH 43215

Telephone: (614) 469-8000

Telecopier: (614) 469-4653

sam@mwncmh.com

fdarr@mwncmh.com

joliker@mwncmh.com

mpritchard@mwncmh.com

**Attorneys for Wausau Paper Towel &
Tissue, LLC**

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter the Application of Duke Energy Ohio, Inc. for the Establishment of a Charge Pursuant to Section 4909.18, Revised Code.)	Case No. 12-2400-EL-UNC
)	
)	
)	
In the Matter of the Application of Duke Energy Ohio, Inc. for Approval to Change Accounting Methods.)	Case No. 12-2401-EL-AAM
)	
)	
)	
In the Matter of the Application of Duke Energy Ohio, Inc. for the Approval of a Tariff for a New Service.)	Case No. 12-2402-EL-ATA
)	

MEMORANDUM IN SUPPORT

The Supreme Court of Ohio has determined that “intervention ought to be liberally allowed so that the positions of all persons with a real and substantial interest in the proceedings can be considered by the PUCO.”¹ In support of this Motion to Intervene, Wausau Paper has over 110 years of experience and currently employs over 2,500 employees throughout the United States. Wausau Paper is a leader in the manufacture and sales of premium and technical specialty papers used in industrial, commercial and consumer end markets and a complete line of towel, tissue, soap and dispensing systems for the away-from-home market.

Duke’s Application to increase the rate charged for generation capacity service does not appear to be just and reasonable; thus, the Commission must set the matter

¹ *Ohio Consumers’ Counsel v. Pub. Util. Comm.*, 111 Ohio St. 3d 384, ¶ 20 (2006).

for hearing. Wausau Paper has a real and substantial interest inasmuch as these proceedings may directly or indirectly impact the provision of electric service to Wausau Paper's Middletown, Ohio mill. Specifically, Wausau Paper's direct interest in these proceedings is the result of the effect that these proceedings shall have upon the price, adequacy, and reliability of electric service provided by Duke to Wausau Paper's manufacturing facilities. The resolution of these proceedings may impact the ability of Wausau Paper to compete in the global economy. Wausau Paper will contribute to the full and complete development of these proceedings, and Wausau Paper's rights will not be adequately represented by any other intervenor if this Motion to Intervene is denied. Therefore, Wausau Paper requests that the Commission grant this Motion to Intervene.

Respectfully submitted,

/s/ Matthew R. Pritchard

Samuel C. Randazzo

(Counsel of Record)

Frank P. Darr

Joseph E. Olier

Matthew R. Pritchard

MCNEES WALLACE & NURICK LLC

21 East State Street, 17TH Floor

Columbus, OH 43215

Telephone: (614) 469-8000

Telecopier: (614) 469-4653

sam@mwncmh.com

fdarr@mwncmh.com

joliker@mwncmh.com

mpritchard@mwncmh.com

**Attorneys for Wausau Paper Towel &
Tissue, LLC**

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing *Motion to Intervene and Memorandum in Support of Wausau Paper Towel & Tissue, LLC*, was served upon the following parties of record this 21st day of September, 2012 via electronic distribution, hand-delivery or first class U.S. mail, postage prepaid.

/s/ Matthew R. Pritchard
Matthew R. Pritchard

Amy B. Spiller
Rocco D'Ascenzo
Jeanne Kingery
Elizabeth Watts
Duke Energy Business Services LLC
139 East Fourth Street
1303 Main
Cincinnati, Ohio 45202
amy.spiller@duke-energy.com
rocco.dascenzo@duke-energy.com
jeanne.kingery@duke-energy.com
elizabeth.watts@duke-energy.com

On Behalf of Duke Energy Ohio, Inc.

Bruce J. Weston
Consumers' Counsel
Maureen R. Grady
Kyle L. Kern
Office of the Ohio Consumers' Counsel
10 West Broad Street, Suite 1800
Columbus, Ohio 43215
grady@occ.state.oh.us
kern@occ.state.oh.us

On Behalf of the Office of the Ohio Consumers' Counsel

David F. Boehm
Michael L. Kurtz
Jody M. Kyler
Boehm, Kurtz & Lowry
36 East Seventh Street, Suite 1510
Cincinnati, Ohio 45202
dboehm@bklawfirm.com
mkurtz@bklawfirm.com
jkyler@bklawfirm.com

On Behalf of the Ohio Energy Group

Colleen L. Mooney
Ohio Partners for Affordable Energy
231 West Lima Street
Findlay, Ohio 45839-1793
Cmooney2@columbus.rr.com

On Behalf of Ohio Partners for Affordable Energy

Douglas E. Hart
411 Vine Street, Suite 4192
Cincinnati, Ohio 45202
dhart@douglasshart.com

On Behalf of The Greater Cincinnati Health Council and Cincinnati Bell Inc.

Kimberly W. Bojko
Mallory M. Mohler
Carpenter Lipps & Leland LLP
280 North High Street
Suite 1300
Columbus, Ohio 43215
bojko@carpenterlipps.com
mohler@carpenterlipps.com

On Behalf of Kroger Co.

Thomas J. O'Brien
Bricker & Eckler LLP
100 South Third Street
Columbus, Ohio 43215
tobrien@bricker.com

On Behalf of the City of Cincinnati

J. Thomas Siwo
Matthew W. Warnock
Bricker & Eckler, LLP
100 South Third Street
Columbus, Ohio 43215
tsiwo@bricker.com
mwarnock@bricker.com

On Behalf of Ohio Manufacturers' Assoc.

Mark A. Hayden
FirstEnergy Service Company
76 South Main Street
Akron, Ohio 44308
haydenm@firstenergycorp.com

James F. Lang
Laura C. McBride
N. Trevor Alexander
Calfee, Halter & Griswold LLP
1405 East Sixth Street
Cleveland, Ohio 44114
jlang@calfee.com
lmcbride@calfee.com
talexander@calfee.com

On Behalf of FirstEnergy Solutions Corp.

Steven Beeler
John Jones
Assistant Attorney General
Ohio Attorney General's Office
Public Utilities Section
180 East Broad Street
Columbus, Ohio 43215
steven.beeler@puc.state.oh.us
john.jones@puc.state.oh.us

**On Behalf of the Staff of the Public Utilities
Commission of Ohio**

Christine Pirik
Katie Stenman
Attorney Examiners
Public Utilities Commission of Ohio
180 East Broad Street
Columbus, Ohio 43215
Christine.pirik@puc.state.oh.us
Katie.stenman@puc.state.oh.us

Attorney Examiners

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

9/21/2012 11:10:32 AM

in

Case No(s). 12-2400-EL-UNC, 12-2401-EL-AAM, 12-2402-EL-ATA

Summary: Motion to Intervene of Wausau Paper Towel & Tissue, LLC electronically filed by Mr. Matthew R. Pritchard on behalf of Wausau Paper Towel & Tissue, LLC