

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of 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.)	

**JOINT MOTION FOR LEAVE TO INTERVENE OF
MIAMI UNIVERSITY AND THE UNIVERSITY OF CINCINNATI**

Now come Miami University and the University of Cincinnati (jointly “the Universities”), who, pursuant to Section 4903.221, Revised Code and Rule 4901-1-11 of the Ohio Administrative Code, move for intervention in the above styled proceeding as full parties of record. Both Universities have their main and branch campuses in the Duke Energy Ohio service area. Thus, both Universities will be directly impacted by the application in the matter at bar. The Universities also present comments and additional support for intervention in the accompanying Memorandum in Support.

WHEREFORE, the Universities respectfully requests that the Commission grant this joint motion for leave to intervene and that Miami University and the University of Cincinnati each be made a full party of record.

Respectfully Submitted,

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**MEMORANDUM IN SUPPORT OF
THE JOINT MOTION TO INTERVENE OF
MIAMI UNIVERSITY AND THE UNIVERSITY OF CINCINNATI**

Section 4903.221, Revised Code and Rule 4901-1-11 of the Ohio Administrative Code, establish the standard for intervention in the above-styled proceeding as a full party of record.

Rule 4901-1-11 of the Ohio Administrative Code states in part:

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.

In addition to establishment of a direct interest, the factors that the Public Utilities Commission of Ohio (the "Commission") considers in implementing the above rule are 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. (See also R.C. 4903.221(B) upon which the above rule is authorized).

Both Miami University and the University of Cincinnati are state supported institutions of higher learning. Miami University is located in Oxford, Ohio. The University of Cincinnati is located in Cincinnati, Ohio. Both Universities also have branch campus facilities served by Duke Energy Ohio ("Duke"). Both Universities participated in the Duke's electric security plan II proceeding and signed the Stipulation and Recommendation in that proceeding Case No. 11-3549-EL-SSO. The Stipulation and Recommendation, which was adopted by the Commission in an order that is now final established rates.

On August 29, 2012, Duke Energy Ohio, Inc. ("Duke") filed an application seeking to

establish the amount of a cost-based charge, pursuant to a state compensation mechanism, for the provision of capacity services by Duke throughout its service territory. Duke also seeks authority to modify its accounting practices to establish a deferral to account for the difference between the amounts being recovered by Duke for the provision of capacity and Duke's cost of providing capacity as such cost is established in an Order approving a new tariff for future recovery of those deferred amounts.

The application in the matter at bar, Duke projects that its deferral would collect from customers such as the Universities in addition to the rates the Commission approved in the Stipulation and Recommendation over \$700 million additional dollars. Assuming this amount was collected back on a ¢ per kWh basis the Universities have estimated the impact as follows:

Location	Usage per year (kWh)	1 yr. Cost	3 yr. Cost
UC Main Campus	50,453,218	\$642,789	\$1,928,367
UC Branch Campuses	31,692,680	\$403,774	\$1,211,323
Miami Main Campus	88,631,712	\$1,129,195	\$3,387,584
Miami Branch Campuses	9,649,956	\$122,943	\$368,830
Total Both Schools	180,427,566	\$2,298,701	\$6,896,103

Both Universities have a real and substantial interest in this case as a result of being customers of Duke. The Universities believe that the proposed application, if approved, would require them to pay additional revenues to Duke which would be in violation of the Stipulation and Recommendation that was signed by many parties and approved by the Commission in Case No. 11-3549-EL-SSO.

This motion for intervention is being filed by October 15, 2012 deadline established by the Attorney Examiner's Entry of September 13, 2012 and thus is timely. The motion is also

being filed well before the January 2, 2013 deadline for the filing of comments by the Staff and Intervenor. Thus, the intervention is timely and should not unduly delay the instant proceedings.

WHEREFORE, the Universities respectfully request that the Commission grant this joint motion for leave to intervene and that Miami University and the University of Cincinnati each 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 documents was served this 15th day of October, 2012 by electronic mail, upon the persons listed below.



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Summary: Motion Joint Motion for Leave to Intervene electronically filed by M HOWARD PETRICOFF on behalf of University of Cincinnati and Miami University