

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of	)	
Duke Energy Ohio, Inc. for Approval to	)	
Continue its Cost Recovery Mechanism	)	Case No. 14-1580-EL-RDR
for Energy Efficiency Programs	)	
Through 2016.	)	

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**MOTION TO INTERVENE AND MEMORANDUM IN SUPPORT  
OF INDUSTRIAL ENERGY USERS-OHIO**

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**October 24, 2014**

**Attorney for Industrial Energy Users-Ohio**

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Industrial Energy Users-Ohio ("IEU-Ohio") 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, for leave to intervene in the above-captioned matter 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 September 9, 2014, Duke Energy Ohio, Inc. ("Duke") filed an application seeking authority to continue its current rider that recovers costs associated with implementation of its energy efficiency and peak demand reduction ("EE/PDR") portfolio plan. A prior stipulation involving Duke's portfolio plan provided Duke with the opportunity to collect shared savings through its EE/PDR rider. In the September 9, 2014 application, Duke requests Commission authority to continue collecting shared savings through the end of 2016. The collection of shared savings through the EE/PDR rider increases the costs paid by all of Duke's customers, including IEU-Ohio's members in Duke's service area.

As demonstrated further in the Memorandum in Support attached hereto and incorporated herein, IEU-Ohio has a direct, real, and substantial interest in the issues and matters involved in the above-captioned proceeding, and is so situated that the disposition of this proceeding may, as a practical matter, impair or impede its ability to protect that interest. IEU-Ohio believes that its participation will not unduly prolong or delay this proceeding and that it will significantly contribute to the full development and equitable resolution of the factual and other issues in the proceeding. The interests of IEU-Ohio will not be adequately represented by other parties to the proceeding and, as such, IEU-Ohio 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.

Respectfully submitted,

/s/ Matthew R. Pritchard

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**MEMORANDUM IN SUPPORT**

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In support of this Motion to Intervene, IEU-Ohio states that it is an association of ultimate customers. A current listing of IEU-Ohio member companies is available on IEU-Ohio's website at [http://www.ieu-ohio.org/member\\_list.aspx](http://www.ieu-ohio.org/member_list.aspx). IEU-Ohio's members purchase substantial amounts of electric and related services from Ohio's electric distribution utilities ("EDU"), including Duke.

IEU-Ohio's members work together to address matters that affect the availability and price of utility services. Additionally, IEU-Ohio seeks to promote customer-driven policies that will assure an adequate, reliable, and efficient supply of energy for all consumers at competitive prices. To this end, IEU-Ohio has worked to produce legislative, regulatory, and market outcomes that are consistent with the State policy contained in Section 4928.02, Revised Code.

IEU-Ohio has a real and substantial interest inasmuch as this proceeding may directly or indirectly impact the provision of electric service to IEU-Ohio members' business facilities. The relief Duke is seeking in this proceeding will, if granted, provide Duke with authority to continue its current portfolio of EE/PDR programs for years that include 2016 in ways that will result in higher electric bills. Among other things, this

higher electric bill consequence results from Duke's proposal to increase the burden which the inappropriately-labeled "shared savings" or "incentive mechanism" will impose on consumers (all consumers).<sup>1</sup> Similar to the views expressed by the Office of the Ohio Consumers' Counsel ("OCC") in its intervention request, IEU-Ohio rejects the notion that increasing electric bills so that Duke can increase the earnings contribution provided by the "shared savings" or "incentive mechanism" can be transformed into a lawful, just or reasonable outcome based on representations by Duke that unidentified stakeholders and Duke prefer to increase electric bills.

IEU-Ohio's direct interest in this proceeding is the result of the effect that this proceeding may have upon the riders associated with Duke's current portfolio of EE/PDR programs.

For the reasons expressed herein, IEU-Ohio requests that its Motion to Intervene be granted.

Respectfully submitted,

/s/ Matthew R. Pritchard

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<sup>1</sup> "The mechanism for recovering costs from Duke's customers, including recovery of prudent program costs incurred, lost distribution revenues and an incentive mechanism ["shared savings"], shall expire at the end of 2015, as controlled by the stipulation in the *2011 Portfolio Case*". *In the Matter of the Application of Duke Energy Ohio, Inc. for Approval of its Energy Efficiency and Peak-Demand Reduction Portfolio Programs*, Case No. 13-431-EL-POR, Opinion and Order at 6 (Dec. 4, 2013) (internal citation omitted).

## **CERTIFICATE OF SERVICE**

In accordance with Rule 4901-1-05, Ohio Administrative Code, the PUCO's e-filing system will electronically serve notice of the filing of this document upon the following parties. In addition, I hereby certify that a service copy of the foregoing *Motion to Intervene and Memorandum in Support of Industrial Energy Users-Ohio* was sent by, or on behalf of, the undersigned counsel for IEU-Ohio to the following parties of record this 24<sup>th</sup> day of October 2014, via electronic transmission.

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**ATTORNEY EXAMINERS**

**This foregoing document was electronically filed with the Public Utilities**

**Commission of Ohio Docketing Information System on**

**10/24/2014 10:07:29 AM**

**in**

**Case No(s). 14-1580-EL-RDR**

Summary: Motion to Intervene and Memorandum in Support of Industrial Energy Users-Ohio  
electronically filed by Mr. Matthew R. Pritchard on behalf of Industrial Energy Users-Ohio