

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Duke )  
Energy Ohio, Inc., for Authority to ) Case No. 14-0075-EL-POR  
Establish an Energy Efficiency Pilot )  
Program )

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

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**JANUARY 27, 2015**

**ON BEHALF OF INDUSTRIAL ENERGY USERS-OHIO**

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**MOTION TO INTERVENE OF 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 January 13, 2014, Duke Energy Ohio, Inc. (“Duke”) filed an application requesting authority to establish an energy efficiency program and cost recovery that would allow Duke and the Greater Cincinnati Energy Alliance (“GCEA”) to coordinate efforts related to home energy improvements that deliver energy efficiency in Duke’s service territory.<sup>1</sup> Duke represents that the program is a pilot designed to test the value of co-marketing financing in addition to Duke’s Smart\$aver Residential Program, and it further requests that it be permitted to include 100% of the energy efficiency benefits

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<sup>1</sup> Application of Duke Energy Ohio, Inc., for Authority to Establish an Energy Efficiency Pilot Program (Jan. 13, 2014) (“Application”).

achieved during the pilot for inclusion as benefits attained in its currently approved residential program.<sup>2</sup>

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/ Frank P. Darr

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<sup>2</sup> *Id.* at 2-3.

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**MEMORANDUM IN SUPPORT**

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In support of this Motion to Intervene, Industrial Energy Users-Ohio (“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”).

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, including actively participating in the legislative process related to Substitute Senate Bill 310, and will continue to work 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’ manufacturing facilities. IEU-Ohio’s direct interest in this proceeding is the result of the effect that this proceeding shall have upon the price, adequacy, and reliability of the

electric supply and related services within Ohio. More specifically, Duke is seeking to amend its current portfolio plan. Approval of this amendment would trigger the right of energy intensive customers to opt out of the amended portfolio plan prior to January 1, 2017. Contemporaneously, IEU-Ohio has filed comments regarding the Application that more fully sets out its concerns, and it hereby incorporates that filing by reference.

Respectfully submitted,

/s/ Frank P. Darr

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## 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 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 27<sup>th</sup> day of January 2015, *via* electronic transmission.

/s/ Frank P. Darr

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Summary: Motion to Intervene and Memorandum in Support