

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Duke)	
Energy Ohio, Inc. for Recovery of Program)	
Costs, Lost Distribution Revenue, and)	
Performance Incentives Relate to its Energy)	Case No. 15-534-EL-RDR
Efficiency and Demand Response Programs)	
for 2014.)	

**MOTION TO INTERVENE
OF
THE KROGER COMPANY**

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

As demonstrated in the attached Memorandum in Support, Kroger has a real and substantial interest in this proceeding which may be adversely affected by the outcome herein, and which cannot be and is not adequately represented by any other party. Accordingly, Kroger satisfies the standard for intervention set forth in Ohio statutes and regulations.

WHEREFORE, Kroger respectfully requests that the Commission grant its motion for leave to intervene and designate Kroger as a full party of record in this proceeding.

Respectfully submitted,

/s/ Rebecca L. Hussey
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**MEMORANDUM IN SUPPORT OF
THE MOTION TO INTERVENE OF
THE KROGER COMPANY**

Duke Energy Ohio, Inc. (Duke Energy Ohio or the Company) filed an application on March 30, 2015, seeking recovery of its 2014 program costs, lost distribution revenue, and performance incentives related to its energy efficiency and demand response programs.

Section 4903.221, Revised Code, and Rule 4901-1-11, O.A.C., set forth the standard for intervention in proceedings before the Commission. Under Section 4903.221, Revised Code, any person who may be adversely affected by means of a Commission proceeding is entitled to seek intervention in that proceeding. Section 4903.221(B), Revised Code, also 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, O.A.C., allows a party who demonstrates a real and substantial interest in the proceeding and who is so situated that the disposition of the proceeding may impair or impede its ability to protect that interest and whose interest is not adequately represented by an existing party to intervene in a Commission proceeding.

Kroger is one of the largest grocers in the United States, with numerous facilities served by Duke Energy Ohio. Kroger's electric and energy needs associated with its facilities in Duke Energy Ohio's service territory are considerable, and its electric service and the costs associated with obtaining such service from Duke Energy Ohio will be impacted by the outcome in this proceeding.

For the foregoing reasons, 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's interests will not adequately be represented by other parties to the proceeding. Finally, Kroger's intervention is timely and 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, O.A.C., 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 its motion for leave to intervene and designate Kroger as a full party of record in the above-captioned case.

Respectfully submitted,

/s/ Rebecca L. Hussey
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Counsel for The Kroger Company

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing was served upon the following parties via electronic mail on June 16, 2015.

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Rebecca L. Hussey

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Summary: Motion to Intervene and Memorandum in Support electronically filed by Ms. Rebecca L Hussey on behalf of The Kroger Company