

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Duke :
Energy Ohio, Inc. for a Waiver. : Case No. 16-1096-EL-WVR
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**MOTION TO INTERVENE
BY PRO SENIORS, INC.**

Pro Seniors, Inc. (Pro Seniors) moves for leave to intervene in the above-captioned matter pursuant to R.C. 4903.221 and Ohio Adm. Code 4901-1-11.

The reasons for granting Pro Seniors' Motion are further set forth in the attached Memorandum in Support.

Respectfully submitted,
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MEMORANDUM IN SUPPORT

I. INTRODUCTION

Pro Seniors, Inc. is a non-profit legal service provider located in Cincinnati, Ohio. It operates a statewide legal hotline for senior citizens who are residents of Ohio. Pro Seniors is the only legal service provider in Ohio that is solely dedicated to advocating for the legal needs of Ohio senior citizens. Pro Seniors prioritizes serving low income seniors. Many of Pro Seniors' clients qualify for and some receive electric service through Duke Energy Ohio, Inc. (hereinafter Duke). Duke seeks a waiver of the requirement that it provide personal on-site notice to a customer before disconnection of electric service due to alleged non-payment. Duke's request for waiver, if granted, would have a disparate impact on elderly and low-income customers, including the clients who are represented by Pro Seniors. The majority of our clients reside in the Duke service territory.

Pro Seniors works to expand economic opportunities and improve the quality of life for senior residents of Ohio. We also accept legal cases of high impact on seniors. Pro Seniors has long been concerned with utility matters and for the past decade we have been an active participant in utility issues before the PUCO.

II. INTERVENTION

Pro Seniors moves to intervene in this case pursuant to R.C. 4903.221 and Ohio Adm. Code 4901:1-11. Pro Seniors meets the standards in statute and rule for being granted intervention in this case.

Section 4903.221, Revised Code, provides that any "person who may be adversely affected by a public utilities commission proceeding may intervene in such proceeding." R.C. 4903.221(B) requires the PUCO to consider the following criteria in ruling on motions to intervene:

- (1) The nature and extent of the prospective intervenor's interest;
- (2) The legal position advanced by the prospective intervenor and its probable relation to the merits of the case;
- (3) Whether the intervention by the prospective intervenor will unduly prolong or delay the proceeding; and
- (4) Whether the prospective intervenor will significantly contribute to the full development and equitable resolution of the factual issues.

Pro Seniors, through the constituents we represent, "may be adversely affected" by this application. The fact that Duke proposes to disconnect customers using only a letter, text message and robo-call could have a significant impact on elderly customers, particularly those who rely on electric service to maintain life-saving medical equipment.

Pro Seniors' interest in this case is as an organization directly representing low-income residents. They are the population who will be most affected by the proposed waiver. Pro Seniors' legal position on the merits of the case is that the public interest and the furtherance of safety must be protected in any proposed waiver of the requirement of personal notice before an electric disconnection.

Pro Seniors' intervention is timely and will not unduly prolong or delay the proceedings. R.C. 4903.221(b) (3). In addition, Pro Seniors will "significantly contribute to full development and equitable resolution of the factual issues" given the interests Pro Seniors represents and Pro Seniors' expertise and experience in telephone cases and issues pertaining to low-income utility consumers. R.C. 4903.221(B) (4). Pro Seniors accordingly, also meets the similar requirements of Ohio Adm. Code 4901-1-11 for intervention.

For these reasons, Pro Seniors' Motion to Intervene should be granted.

Respectfully submitted,

Michael A. Walters

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CERTIFICATE OF SERVICE

I hereby certify that I have served on June 29, 2016, all parties of record via their agreement to accept automatic electronic notification. Undersigned counsel also agrees to electronic service.

Michael A. Walters

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Summary: Motion MOTION TO INTERVENE BY PRO SENIORS, INC.
electronically filed by Mr. Michael A Walters on behalf of Pro Seniors, Inc.