

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of)
Duke Energy Ohio, Inc., for Authority) Case No. 16-1106-GA-AAM
to Defer Environmental Investigation)
and Remediation Costs.)

In the Matter of the Application of) Case No. 16-1107-GA-UNC
Duke Energy Ohio, Inc., for Tariff)
Approval.)

**MOTION TO INTERVENE
BY
OHIO PARTNERS FOR AFFORDABLE ENERGY**

Ohio Partners for Affordable Energy ("OPAE") moves to intervene in these applications in which Duke Energy Ohio, Inc. ("Duke") seeks to extend beyond December 31, 2016 its current accounting authority to defer expenses that Duke incurs to cleanup manufactured gas plant ("MGP") sites, which are not used and useful for the distribution of natural gas. Because the MGP expenses are not incurred for the service of a natural gas distribution utility such as Duke, OPAE and others have appealed to the Supreme Court of Ohio the Commission's order under which Duke may collect from natural gas distribution ratepayers the expenses associated with the cleanup of these MGP sites. Ohio Supreme Court Case No. 2014-0328. The Public Utilities Commission of Ohio ("Commission") should grant OPAE's motion to intervene for the reasons set forth in the attached memorandum in support.

Respectfully submitted,

Colleen Mooney

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MEMORANDUM IN SUPPORT OF MOTION TO INTERVENE

Duke’s applications seek authority to extend its accounting authority beyond December 31, 2016 to defer expenses associated with the cleanup at MGP sites. The deferral of costs means that Duke intends to collect these costs from its natural gas distribution ratepayers. However, these costs are not associated with natural gas distribution service and therefore should not be collected from ratepayers.

OPAE requests permission to intervene in these matters pursuant to Section 4903.22.1, Revised Code, and the Commission’s Rules contained in Section 4901-1-11 of the Ohio Administrative Code. The Commission, in ruling upon a motion to intervene in its proceedings, shall consider the following criteria:

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

Given that the applications request deferral of MGP expenses for the eventual recovery from natural gas distribution ratepayers, OPAE has an interest in these

proceedings. OP&A has appealed the requested collection from ratepayers for MGP-related expenses to the Ohio Supreme Court. OP&A also moved for a stay of the Commission's orders on MGP collections at both the Commission and the Ohio Supreme Court. Ohio supreme Court Case No. 2014-328.

OP&A is an Ohio non-profit corporation with a stated purpose of advocating for affordable energy policies for low and moderate income Ohioans. Moreover, the membership of OP&A includes a number of non-profit organizations with facilities receiving service from Duke.¹ Residential customers, including OP&A's low-income bill payment assistance and weatherization clients, will be adversely affected by Duke's applications. Non-residential customers, such as non-profit organizations, will also be adversely affected. Therefore, OP&A has an interest in these proceedings.

OP&A's participation in these matters will not cause undue delay, will not unjustly prejudice any existing party, and will contribute to the just and expeditious resolution of the issues and concerns raised in these proceedings. Furthermore, other parties to the proceedings will not adequately represent the interests of OP&A. The extensive background of OP&A and its membership provides a unique and important viewpoint on matters at issue in these applications.

Therefore, OP&A is entitled to intervene in these proceedings with the full powers and rights granted specifically by statute and by the provisions of the Commission's Code of Rules and Regulations to intervening parties.

¹ OP&A's membership list can be found at: www.ohiopartners.org.

Respectfully submitted,

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CERTIFICATE OF SERVICE

A copy of this Motion to Intervene and Memorandum in Support will be served by the Commission's Docketing Division *via* electronic transmission on the electronically-subscribed persons listed below this 7th day of November 2016.

/s/Colleen L. Mooney _____

Colleen L. Mooney
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Case No(s). 16-1106-GA-AAM, 16-1107-GA-UNC

Summary: Motion to Intervene and Memorandum in Support electronically filed by Colleen L Mooney on behalf of Ohio Partners for Affordable Energy