

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Duke	)	
Energy Ohio, Inc., for an Adjustment to	)	Case No. 17-596-GA-RDR
Rider MGP Rates.	)	
In the Matter of the Application of Duke	)	Case No. 17-597-GA-ATA
Energy Ohio, Inc., for Tariff Approval.	)	

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**MOTION TO INTERVENE OF  
THE OHIO MANUFACTURERS' ASSOCIATION ENERGY GROUP**

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Pursuant to Section 4903.221, Revised Code, and Rule 4901-1-11, Ohio Adm. Code, the Ohio Manufacturers' Association Energy Group (OMAEG) respectfully moves the Public Utilities Commission of Ohio (Commission) for leave to intervene in the above-captioned matters with the full powers and rights granted to intervening parties. As demonstrated in the attached Memorandum in Support, OMAEG has a real and substantial interest in these proceedings which may be adversely affected by the outcome herein, and which cannot be adequately represented by any other existing parties. Accordingly, OMAEG satisfies the standard for intervention set forth in Ohio statutes and regulations.

Therefore, OMAEG respectfully requests that the Commission grant this motion to intervene and that OMAEG be made a full party of record in these proceedings.

Respectfully submitted,

/s/ James D. Perko, Jr.

Kimberly W. Bojko (0069402) (Counsel of Record)

James D. Perko, Jr. (0093312)

Carpenter Lipps & Leland LLP

280 Plaza, Suite 1300

280 North High Street

Columbus, Ohio 43215

(614) 365-4100

Bojko@carpenterlipps.com

Perko@carpenterlipps.com

(willing to accept service by email)

*Counsel for the OMAEG*

**BEFORE  
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In the Matter of the Application of Duke Energy Ohio, Inc., for an Adjustment to Rider MGP Rates.	)	Case No. 17-596-GA-RDR
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**MEMORANDUM IN SUPPORT**

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On March 31, 2017, Duke Energy Ohio, Inc. (Duke) filed an application seeking approval to adjust its Manufactured Gas Plant Rider (Rider MGP) to recovery 2016 costs for investigation and remediation of manufactured gas plant (MGP) sites.<sup>1</sup> Duke also filed a motion to consolidate various cases.<sup>2</sup> As explained in more detail below, OMAEG has a real and substantial interest in the outcome of these proceedings.

Section 4903.221, Revised Code, and Rule 4901-1-11, Ohio Administrative Code, establish the standard for intervention in the above-captioned proceedings. Section 4903.221, Revised Code, provides, in part, that any person “who may be adversely affected” by a Commission proceeding is entitled to seek intervention in that proceeding. Section 4903.221(B), Revised Code, further 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.

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<sup>1</sup> Application of Duke Energy Ohio, Inc. at 1 (March 31, 2017).

<sup>2</sup> Motion to Consolidate Cases at 1 (March 31, 2017).

Rule 4901-1-11, Ohio Adm. Code, permits intervention by 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.

OMAEG is a non-profit entity that strives to improve business conditions in Ohio and drive down the cost of doing business for Ohio manufacturers. OMAEG works directly with elected officials, regulatory agencies, the judiciary, and the media to provide education and information to energy consumers, regulatory boards and suppliers of energy; advance energy policies to promote an adequate, reliable, and efficient supply of energy at reasonable prices; and advocate in critical cases before the Commission. OMAEG members purchase natural gas services from Duke, have previously participated in proceedings involving Duke,<sup>3</sup> and will be affected by the Commission's determination in these proceedings. The Ohio Manufacturers' Association (OMA) was granted intervention in the case where the Rider MGP was originally approved.<sup>4</sup> The OMAEG is a non-profit entity created by the OMA for the purpose of educating and providing information to energy consumers, regulatory boards and suppliers of energy; advancing energy policies to promote an adequate, reliable, and efficient supply of energy at reasonable prices; and, advocating in critical cases before the Commission. The OMAEG's members are all members of the OMA.

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<sup>3</sup> See e.g., *In the Matter of the Application of Duke Energy Ohio, Inc. for an Increase in Gas Rates*, Case No. 12-1685-GA-AIR et al.; *In the Matter of the Application of Duke Energy Ohio, Inc. for Approval to Continue Cost Recovery Mechanism for Energy Efficiency Programs through 2016*, Case No. 14-1580-EL-RDR; *In the Matter of the Application of the Duke Energy Ohio for Authority to Establish a Standard Service Officer Pursuant to Section 4928.143, Revised Code, in the Form of an Electric Service Plan, Accounting Modifications and Tariffs for Generation Service et al.*, Case Nos. 14-841-EL-SSO et al.; and *In the Matter of the Application of Duke Energy Ohio, Inc. for a Waiver to File a New Energy Efficiency and Peak Demand Reduction Portfolio Application*, Case No. 16-576-EL-WVR.

<sup>4</sup> See *In the Matter of the Application of Duke Energy Ohio, Inc. for an Increase in Gas Rates*, Case No. 12-1685-GA-AIR et al., Entry at 2 (January 18, 2013) (Entry granting OMA's Motion to Intervene).

Therefore, OMAEG has a direct, real, and substantial interest in the issues raised in these proceedings and is so situated that the disposition of these proceedings may, as a practical matter, impair or impede its ability to protect that interest. It is regularly and actively involved in Commission proceedings and, as in previous proceedings, OMAEG's unique knowledge and perspective will contribute to the full development and equitable resolution of the factual issues in these proceedings. OMAEG's interest will not be adequately represented by other parties to these proceedings and its timely intervention will not unduly delay or prolong these proceedings.

Because OMAEG satisfies the criteria set forth in Section 4903.221, Revised Code, and Rule 4901-1-11, Ohio Adm. Code, it is authorized to intervene with the full powers and rights granted by the Commission to intervening parties. Accordingly, OMAEG respectfully requests that the Commission grant this motion for leave to intervene and that OMAEG be made a full party of record.

Respectfully submitted,

/s/ James D. Perko, Jr.

Kimberly W. Bojko (0069402) (Counsel of Record)

James D. Perko, Jr. (0093312)

Carpenter Lipps & Leland LLP

280 Plaza, Suite 1300

280 North High Street

Columbus, Ohio 43215

(614) 365-4100

Bojko@carpenterlipps.com

Perko@carpenterlipps.com

(willing to accept service by email)

*Counsel for the OMAEG*

**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 April 14, 2017:

/s/ James D. Perko, Jr.  
James D. Perko, Jr.

Amy.spiller@duke-energy.com  
Jeanne.kingery@duke-energy.com  
Elizabeth.Watts@duke-energy.com

**Attorney Examiner:**  
Megan.Addison@puc.state.oh.us

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Summary: Motion To Intervene Of The Ohio Manufacturers' Association Energy Group  
electronically filed by Debra A Gaunder on behalf of Ohio Manufacturers' Association Energy  
Group