

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Duke Energy Ohio, Inc. for an Increase in its Electric Distribution Rates.	)	Case No. 17-32-EL-AIR
	)	
In the Matter of the Application of Duke Energy Ohio, Inc. for Tariff Approval.	)	Case No. 17-33-EL-ATA
	)	
In the Matter of the Application of Duke Energy Ohio, Inc. for Approval to Change Accounting Methods.	)	Case No. 17-34-EL-AAM
	)	

**MOTION TO INTERVENE OF  
UNIVERSITY OF CINCINNATI**

Pursuant to Ohio Revised Code Section 4903.221 and Ohio Administrative Code Rule 4901-1-11, the University of Cincinnati moves to intervene in these proceedings. The reasons supporting the intervention request are contained in the accompanying Memorandum in Support.

THEREFORE, the University of Cincinnati requests that the Public Utilities Commission of Ohio grant this motion and that University of Cincinnati be made a party of record.

Respectfully Submitted,

Mike DeWine  
Attorney General

/s/ Michael J. Settineri  
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Michael J. Settineri (0073369),  
Special Assistant Attorney General  
VORYS, SATER, SEYMOUR AND PEASE LLP  
52 East Gay Street  
P.O. Box 1008  
Columbus, Ohio 43216-1008  
Tel. (614) 464-5462  
Fax (614) 719-5146  
[mjsettineri@vorys.com](mailto:mjsettineri@vorys.com)

Attorneys for University of Cincinnati

**MEMORANDUM IN SUPPORT OF  
THE MOTION TO INTERVENE OF  
UNIVERSITY OF CINCINNATI**

The basic criteria for intervention in a Public Utilities Commission of Ohio proceeding are established in Ohio Revised Code Section 4903.221 and the details have been provided in Ohio Administrative Code Rule 4901-1-11. Rule 4901-1-11 states in part:

Upon timely motion, any person shall be permitted to intervene in a proceeding upon a showing that:

\* \* \*

(2) The person has a real and substantial interest in the proceeding, and the person is so situated that the disposition of the proceeding may, as a practical matter, impair or impede his or her ability to protect that interest, unless the person's interest is adequately represented by existing parties.

In addition to establishment of a direct interest, the factors that the Commission considers in implementing the above rule are the nature of the intervenor's interest, the extent that interest is represented by existing parties, the intervenor's potential contribution to a just and expeditious resolution of the issues involved, and whether intervention would result in an undue delay of the proceeding. *See also*, Ohio Revised Code Section 4903.221(B), upon which the above rule is authorized. A review of these factors in light of following facts supports granting University of Cincinnati's intervention.

The University of Cincinnati ("UC") is a state-sponsored institution of higher learning and is located in Cincinnati, Ohio. UC is an electric customer of Duke Energy Ohio, Inc. ("Duke") and also has its own significant amount of generation.

UC has a real and substantial interest in this case as a result of being a customer of Duke and having a substantial amount of its own generation. Any changes in the customer rates resulting from these proceedings could impact UC and certain proposed changes affect UC's

interests. For example, Duke proposes a regulatory mandates rider that will apply to all customers.<sup>1</sup> Another example is Duke's proposed change to its net metering tariff that will require ratepayers to pay the cost of excess generation credits.<sup>2</sup>

UC's participation will contribute to a just and expeditious resolution of the issues, and not delay the outcome. UC will provide a unique customer perspective. UC's interest cannot be represented by other existing parties. UC was granted intervention in Duke's last electric distribution rate proceedings<sup>3</sup> and again meets the intervention criteria in Ohio Revised Code Section 4903.221 and Ohio Administrative Code Rule 4901-1-11. This intervention request also complies with the intervention deadline established for these proceedings by the Attorney Examiner's Entry issued September 28, 2017.

The University of Cincinnati respectfully requests that the Commission grant this motion to intervene and that University of Cincinnati be made a party of record.

Respectfully Submitted,

Mike DeWine  
Attorney General

/s/ Michael J. Settineri  
Michael J. Settineri (0073369),  
Special Assistant Attorney General  
VORYS, SATER, SEYMOUR AND PEASE LLP  
52 East Gay Street  
P.O. Box 1008  
Columbus, Ohio 43216-1008  
Tel. (614) 464-5462  
Fax (614) 719-5146  
[mjsettineri@vorys.com](mailto:mjsettineri@vorys.com)

Attorneys for University of Cincinnati

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<sup>1</sup> Duke Application at 6 and Schedule E-2.1, page 89 of 95. Staff recommends rejection of that proposal. Staff Report at 22.

<sup>2</sup> Duke Application at Schedule E-2.1, page 44 of 95.

<sup>3</sup> *In the Matter of the Application of Duke Energy Ohio, Inc., for an Increase in its Electric Distribution Rates*, Case Nos. 12-1682-EL-AIR, et al., Opinion and Order (May 1, 2013).

## **CERTIFICATE OF SERVICE**

The Public Utilities Commission of Ohio's e-filing system will electronically serve notice of the filing of this document on the parties referenced on the service list of the docket card who have electronically subscribed to the case. In addition, the undersigned certifies that a copy of the foregoing document is also being served (via electronic mail) on the 26th day of October 2017 upon the persons listed below.

/s/ Michael J. Settineri

Michael J. Settineri

[amy.spiller@duke-energy.com](mailto:amy.spiller@duke-energy.com)  
[rocco.DAscenzo@duke-energy.com](mailto:rocco.DAscenzo@duke-energy.com)  
[elizabeth.watts@duke-energy.com](mailto:elizabeth.watts@duke-energy.com)  
[jeanne.kingery@duke-energy.com](mailto:jeanne.kingery@duke-energy.com)  
[william.michael@occ.ohio.gov](mailto:william.michael@occ.ohio.gov)  
[christopher.healey@occ.ohio.gov](mailto:christopher.healey@occ.ohio.gov)  
[dstinson@bricker.com](mailto:dstinson@bricker.com)  
[mkurtz@bkllawfirm.com](mailto:mkurtz@bkllawfirm.com)  
[kboehm@bkllawfirm.com](mailto:kboehm@bkllawfirm.com)  
[jkylercohn@bkllawfirm.com](mailto:jkylercohn@bkllawfirm.com)  
[joliker@igsenergy.com](mailto:joliker@igsenergy.com)  
[mnugent@igsenergy.com](mailto:mnugent@igsenergy.com)  
[bojko@carpenterlipps.com](mailto:bojko@carpenterlipps.com)  
[perko@carpenterlipps.com](mailto:perko@carpenterlipps.com)  
[rick.sites@ohiohospitals.org](mailto:rick.sites@ohiohospitals.org)  
[dborchers@bricker.com](mailto:dborchers@bricker.com)  
[dparram@bricker.com](mailto:dparram@bricker.com)  
[steven.beeler@ohioattorneygeneral.gov](mailto:steven.beeler@ohioattorneygeneral.gov)  
[robert.eubanks@ohioattorneygeneral.gov](mailto:robert.eubanks@ohioattorneygeneral.gov)

[mdortch@kravitzllc.com](mailto:mdortch@kravitzllc.com)  
[rparsons@kravitzllc.com](mailto:rparsons@kravitzllc.com)  
[jdortch@kravitzllc.com](mailto:jdortch@kravitzllc.com)  
[whitt@whitt-sturtevant.com](mailto:whitt@whitt-sturtevant.com)  
[campbell@whitt-sturtevant.com](mailto:campbell@whitt-sturtevant.com)  
[glover@whitt-sturtevant.com](mailto:glover@whitt-sturtevant.com)  
[cmooney@ohiopartners.org](mailto:cmooney@ohiopartners.org)  
[fdarr@mwncmh.com](mailto:fdarr@mwncmh.com)  
[mpritchard@mwncmh.com](mailto:mpritchard@mwncmh.com)  
[paul@carpenterlipps.com](mailto:paul@carpenterlipps.com)  
[eakhbari@bricker.com](mailto:eakhbari@bricker.com)  
[mfleisher@elpc.org](mailto:mfleisher@elpc.org)  
[tdougherty@theOEC.org](mailto:tdougherty@theOEC.org)  
[mleppla@theOEC.org](mailto:mleppla@theOEC.org)  
[swilliams@nrdc.org](mailto:swilliams@nrdc.org)  
[daltman@environlaw.com](mailto:daltman@environlaw.com)  
[jnewman@environlaw.com](mailto:jnewman@environlaw.com)  
[jweber@environlaw.com](mailto:jweber@environlaw.com)

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Summary: Motion to Intervene of University of Cincinnati electronically filed by Mr. Michael J. Settineri on behalf of University of Cincinnati