

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application for)
Approval of an Economic Development)
Arrangement between AK Steel)
Corporation and Duke Energy Ohio, Inc.) Case No. 18-0450-EL-AEC

MOTION TO INTERVENE

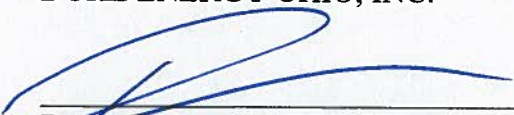
BY

DUKE ENERGY OHIO, INC.

Now comes Duke Energy Ohio, Inc., (Duke Energy Ohio or the Company) and moves to intervene as a full party of record in the above-captioned proceedings pursuant to R.C. 4903.221 and O.A.C. 4901-1-11. The basis for Duke Energy Ohio's motion is set forth in the attached memorandum in support, which is incorporated herein by reference.

Respectfully submitted,

DUKE ENERGY OHIO, INC.



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MEMORANDUM IN SUPPORT

I. Introduction

R.C. 4928.142 requires each electric utility, such as Duke Energy Ohio, Inc. (Duke Energy Ohio), to provide a standard service offer (SSO) “of all competitive retail electric services necessary to maintain essential electric service to consumers, including a firm supply of electric generation service.” Duke Energy Ohio currently provides that SSO in the form of an electric security plan (ESP), approved under R.C. 4928.143, that will terminate on May 31, 2018 (ESP III).¹ On June 1, 2017, Duke Energy Ohio filed its application for a new ESP, to become effective on June 1, 2018 (ESP IV), which among other things, proposes to eliminate the rider associated with interruptible load that allows large commercial and industrial customers to receive above-market payments to participate in the PJM Interconnection L.L.C.’s (PJM) demand response program.² In the current ESP III the Commission authorized the continuation of the large company interruptible load program.³ The proposed contract provision terms of AK Steel’s participation in that interruptible program were approved by the Commission in Case No. 16-2141-EL-UNC. Duke Energy Ohio— an electric distribution utility with an interest in the competitive and wholesale markets – will be affected by AK Steel’s Reasonable Arrangement as proposed and thus seeks intervention pursuant to R.C. 4903.221.

¹ *In the Matter of the Application of Duke Energy Ohio, Inc., for Approval of its Electric Security Plan*, Case No. 14-841-EL-SSO, *et al.*, Opinion and Order (April 2, 2015) (Duke Energy Ohio ESP III Application).

² *In the Matter of the Application of Duke Energy Ohio, Inc., for Approval of its Electric Security Plan*, Case No. 17-1263-EL-SSO, *et al.*, Direct Testimony of William Don Wathen Jr., pg. 9 (June 1, 2017).

³ ESP III Application, Opinion and Order (April 2, 2015).

II. Legal Standard

R.C. 4903.221(B) sets forth the criteria that the Public Utilities Commission of Ohio (Commission) is required to consider in ruling on applications to intervene. These criteria include:

- (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 proceedings.
- (4) Whether the prospective intervenor will significantly contribute to full development and equitable resolution of the factual issues.⁴

The Commission has provided additional detail on the intervention requirements through the promulgation of O.A.C. 4901-1-11. Specifically, that rule requires that the Commission allow intervention by a person who has a "real and substantial interest in the proceeding" and who "is so situated that the disposition of the proceeding may...impair or impede [their] ability to protect that interest, unless the person's interest is adequately represented by existing parties."⁵ Consistent with the statutory provisions, the rule also lists several factors for the Commission to consider in determining whether a potential intervenor meets that standard:

- (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 proceedings.
- (4) Whether the prospective intervenor will significantly contribute to full development and equitable resolution of the factual issues.

⁴ R.C. 4903.221.

⁵ O.A.C. 4901-1-11(A).

- (5) The extent to which the person's interest is represented by existing parties.⁶

As discussed below, Duke Energy Ohio satisfies these criteria and its intervention in these proceedings is therefore warranted.

III. Duke Energy Ohio Should be Granted Intervention in These Proceedings.

As part of its Reasonable Arrangement, AK Steel is proposing to receive a rate credit as described in its Reasonable Arrangement Application to mitigate the significant increase in the cost of power upon the expiration of the interruptible load program in Duke Energy Ohio's ESP III.⁷ Duke Energy Ohio is a wholesale energy market participant and prospective participant in the Reasonable Arrangement process proposed by AK Steel. The Company's willingness to participate in such an arrangement is contingent upon the Commission's approval of a recovery mechanism for the credits AK Steel seeks to receive.

Duke Energy Ohio has a real and substantial interest in these proceedings that is directly related to the merits of the case. No existing party represents Duke Energy Ohio's interests. Further, Duke Energy Ohio's participation will contribute to the development of the issues and an equitable resolution. As no deadline for intervention has been set in these proceedings but expedited approval has been requested, Duke Energy Ohio's intervention will not unduly prolong or delay them and its interests are not represented by existing parties.

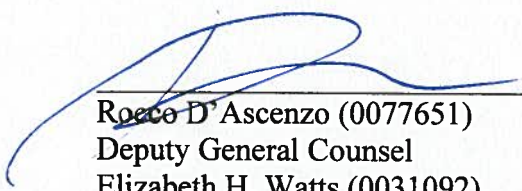
Duke Energy Ohio therefore respectfully requests that the Commission grant its motion to intervene and that it be made a full party of record.

⁶ O.A.C. 4901-1-11(B).

⁷ Application, pgs. 2-3.

Respectfully submitted,

DUKE ENERGY OHIO, INC.



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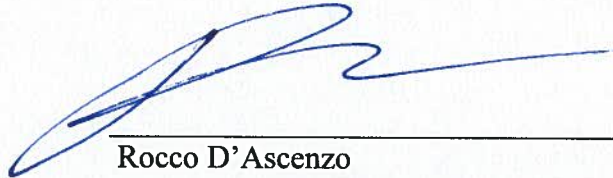
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of the foregoing document was served this 16th day of March 2018, by electronic transmission or U.S. mail, postage prepaid, upon the persons listed below.



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Summary: Motion Motion to Intervene by Duke Energy Ohio, Inc. electronically filed by Mrs. Adele M. Frisch on behalf of Duke Energy Ohio, Inc. and D'Ascenzo, Rocco O and Kingery, Jeanne W and Watts, Elizabeth H