

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application for	)	
Approval of an Economic	)	
Development Arrangement Between	)	Case No. 18-450-EL-AEC
AK Steel Corporation and Duke	)	
Energy Ohio, Inc.	)	

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**MOTION TO INTERVENE AND MEMORANDUM IN SUPPORT  
OF INDUSTRIAL ENERGY USERS-OHIO**

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**April 4, 2018**

**Attorneys for Industrial Energy Users-Ohio**

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**MOTION TO INTERVENE OF INDUSTRIAL ENERGY USERS-OHIO**

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Industrial Energy Users-Ohio ("IEU-Ohio") hereby respectfully moves the Public Utilities Commission of Ohio ("Commission"), pursuant to R.C. 4903.221 and Rule 4901-1-11, Ohio Administrative Code, for leave to intervene in the above-captioned matter with the full powers and rights granted by the Commission, specifically by statute or by the provisions of the Ohio Administrative Code to intervening parties. The reasons supporting this motion are set out in the accompanying Memorandum in Support.

Respectfully submitted,

/s/ Frank P. Darr

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**MEMORANDUM IN SUPPORT**

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In support of this Motion to Intervene, IEU-Ohio states that it is an association of ultimate customers. A current listing of IEU-Ohio member companies is available on IEU-Ohio's website at [http://www.ieu-ohio.org/member\\_list.aspx](http://www.ieu-ohio.org/member_list.aspx). IEU-Ohio's members purchase substantial amounts of electric services from Ohio's electric distribution utilities ("EDU") including Duke Energy Ohio ("Duke").

IEU-Ohio's members work together to address matters that affect the availability and price of utility services. Additionally, IEU-Ohio seeks to promote customer-driven policies that will assure an adequate, reliable, and efficient supply of energy for all consumers at competitive prices. To this end, IEU-Ohio has worked and will continue to work to produce legislative, regulatory, and market outcomes that are consistent with the State electric services policy contained in R.C. 4928.02.

In this case, AK Steel Corporation ("AK Steel") has filed an application for a reasonable arrangement. As proposed, the reasonable arrangement would permit AK Steel to continue to receive an interruptible credit. AK Steel also recommends that Duke be permitted to recover the revenue it does not recover from AK Steel due to the credit, otherwise known as "delta revenue," through Duke's Economic Competitiveness

Fund Rider (“ECFR”). The ECFR is nonbypassable. Accordingly, customers, including those that are members of IEU-Ohio, will be directly affected by the Commission’s resolution of the issues addressed in this proceeding.

R.C. 4903.221 provides:

Any other person who may be adversely affected by a public utilities commission proceeding may intervene in such proceeding, provided:

(A) That such other person files a motion to intervene with the commission no later than:

(1) Any specific deadline established by order of the commission for purposes of a particular proceeding; or, if no such deadline is established;

(2) Five days prior to the scheduled date of hearing. The public utilities commission may, in its discretion, grant motions to intervene which are filed after the deadlines set forth in divisions (A)(1) and (2) of this section for good cause shown.

(B) That the commission, in ruling upon applications to intervene in its proceedings, shall consider the following criteria:

(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.

See, also, Rule 4901-1-11, OAC. Under R.C. 4903.221 and the Commission’s rule, the Commission is to liberally grant intervention. *Ohio Consumers’ Counsel v. Pub. Utils. Comm’n of Ohio*, 111 Ohio St. 3d 384 (2006).

Under the applicable requirements, IEU-Ohio should be granted intervention.

Initially, IEU-Ohio has an interest that may be affected by this matter because members are customers whose rates would be affected by approval of the reasonable arrangement between AK Steel and Duke. Accordingly, IEU-Ohio has an interest in the outcome of this proceeding.

IEU-Ohio's participation will not unduly prolong or delay this proceeding. This intervention motion is timely under Commission rules. Further, IEU-Ohio is an experienced participant in Commission proceedings.

Finally, IEU-Ohio's participation will contribute to the full development and equitable resolution of the factual issues. As a party with significant experience in regard to the issues involving the provision of utility services by rate regulated utilities in various Commission proceedings, IEU-Ohio can provide the Commission with a point of view of the matter before the Commission from the large industrial customer's prospective. This insight and experience will assist the Commission in reaching an equitable outcome.

Based on these representations, IEU-Ohio is entitled to intervene with the full powers and rights granted by the Commission, specifically by statute and by the provisions of the Ohio Administrative Code, to intervening parties. Therefore, the Commission should grant its Motion to Intervene.

Respectfully submitted,

/s/ Frank P. Darr

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## **CERTIFICATE OF SERVICE**

In accordance with Rule 4901-1-05, Ohio Administrative Code, the PUCO's e-filing system will electronically serve notice of the filing of this document upon the following parties. In addition, I hereby certify that a service copy of the foregoing *Motion to Intervene and Memorandum in Support of Industrial Energy Users-Ohio* was sent by, or on behalf of, the undersigned counsel for IEU-Ohio to the following parties of record this 4th day of April 2018, *via* electronic transmission.

/s/ Frank P. Darr

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Summary: Motion Motion to Intervene and Memorandum in Support of Industrial Energy Users-Ohio electronically filed by Mr. Frank P Darr on behalf of Industrial Energy Users-Ohio