

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Duke Energy Ohio, Inc. for Approval to Modify Rider PSR.)	Case No. 17-872-EL-RDR
)	
In the Matter of the Application of Duke Energy Ohio, Inc. for Approval to Amend Rider PSR.)	Case No. 17-873-EL-ATA
)	
In the Matter of the Application of Duke Energy Ohio, Inc. for Approval to Change Accounting Methods.)	Case No. 17-874-EL-AAM
)	

**JOINT MOTION TO INTERVENE OF THE
UNIVERSITY OF CINCINNATI AND MIAMI UNIVERSITY**

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

THEREFORE, the University of Cincinnati and Miami University request that the Public Utilities Commission of Ohio grant this joint motion and that they each be made a party.

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

*Attorneys for University of Cincinnati and Miami
University*

**MEMORANDUM IN SUPPORT OF
THE JOINT MOTION TO INTERVENE OF THE
UNIVERSITY OF CINCINNATI
AND
MIAMI UNIVERSITY**

The basic criteria for intervention in a Public Utilities Commission of Ohio (“Commission”) 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 the joint intervention request of the University of Cincinnati and Miami University.

The University of Cincinnati is a state-sponsored institution of higher learning and is located in Cincinnati, Ohio. Miami University is a state-supported institution of higher learning and is located in Oxford, Ohio. The University of Cincinnati and Miami University are electric customers of Duke Energy Ohio, Inc. (“Duke”) and they each have their own significant amount of generation.

The University of Cincinnati and Miami University have real and substantial interests in these proceedings as a result of being customers of Duke and having a substantial amount of their own generation. Any changes in Rider PSR resulting from these proceedings would impact the University of Cincinnati and Miami University, and certain proposed changes in particular would adversely affect their interests. For example, Duke proposes that the Rider collect from the distribution customers the “net costs associated with its contractual entitlement” in the Ohio Valley Electric Corporation (“OVEC”).¹ This would be the difference between Duke’s participation in the wholesale markets with the OVEC entitlement and “all costs incurred under the [Inter-Company Power Agreement (ICPA)].”² Duke, therefore, would impermissibly recover generation costs from all customers. Another example is Duke’s proposal that Rider PSR be approved for the term of the ICPA.³ The ICPA extends through June 2040⁴ and is not subject to Commission review. This proposal, therefore, is asking for Commission approval for customers like the University of Cincinnati and Miami University to pay the rider for more than 22 years and potentially longer.

The University of Cincinnati and Miami University will contribute to a just and expeditious resolution of the issues, and not delay the outcome. The University of Cincinnati and Miami University will provide a unique customer perspective. Their interests cannot be represented by other existing parties. The University of Cincinnati and Miami University were granted intervention in Duke’s most recent and current electric security plan proceedings⁵ and in

¹ Duke Application at 5.

² *Id.*

³ *Id.* at 7.

⁴ *Id.* at 4.

⁵ See e.g. *In the Matter of the Application of Duke Energy Ohio, Inc., for Authority to Establish a Standard Service Offer Pursuant to Section 4928.143, Revised Code, in the Form of an Electric Security Plan, Accounting Modifications and Tariffs for Generation Service*, Case Nos. 17-1263-El-SSO et al.

Duke's prior electric distribution rate proceedings.⁶ The University of Cincinnati and Miami University have filed to intervene in Duke's current electric distribution rate proceedings,⁷ and again meet the intervention criteria in Ohio Revised Code Section 4903.221 and Ohio Administrative Code Rule 4901-1-11. This joint intervention request is timely as no intervention deadline has been established for these proceedings.

The University of Cincinnati and Miami University respectfully request that the Commission grant this joint motion to intervene and that they each 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

Attorneys for University of Cincinnati and Miami University

⁶ *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).

⁷ *In the Matter of the Application of Duke Energy Ohio, Inc., for an Increase in its Electric Distribution Rates*, Case Nos. 17-32-EL-AIR, et al.

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 6th day of April, 2018 upon the persons listed below.

/s/ Michael J. Settineri

Michael J. Settineri

amy.spiller@duke-energy.com
jeanne.kingery@duke-energy.com
elizabeth.watts@duke-energy.com
rocco.dascenzo@duke-energy.com
mfleisher@elpc.org
fdarr@mwncmh.com
mpritchard@mwncmh.com
joliker@igsenergy.com
paul@carpenterlipps.com
rdove@attorneydove.com
william.michael@occ.ohio.gov
kevin.moore@occ.ohio.gov
mleppla@theoec.org
tdougherty@theoec.org

mkurtz@BKLawfirm.com
jkylercohn@BKLawfirm.com
kboehm@BKLawfirm.com
rick.sites@ohiohospitals.org
dborchers@bricker.com
dparram@bricker.com
bojko@carpenterlipps.com
perko@carpenterlipps.com
cmooney@ohiopartners.org
whitt@whitt-sturtevant.com
campbell@whitt-sturtevant.com
glover@whitt-sturtevant.com
rsahli@columbus.rr.com
steven.beeler@ohioattorneygeneral.gov

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

4/6/2018 3:51:34 PM

in

Case No(s). 17-0872-EL-RDR, 17-0873-EL-ATA, 17-0874-EL-AAM

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