

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE APPLICATION OF
AK STEEL CORPORATION AND DUKE
ENERGY OHIO, INC. FOR APPROVAL OF A
UNIQUE ARRANGEMENT.

CASE NO. 18-450-EL-AEC

ENTRY

Entered in the Journal on May 21, 2018

{¶ 1} Pursuant to R.C. 4905.31 and Ohio Adm.Code 4901:1-38-05(B), a mercantile customer of an electric utility may apply to the Commission for a unique arrangement with the electric utility. "Mercantile customer" is defined by R.C. 4928.01(A)(19) to mean a commercial or industrial customer if the electricity consumed is for nonresidential use and the customer consumes more than 700,000 kilowatt hours per year or is part of a national account involving multiple facilities in one or more states.

{¶ 2} On March 15, 2018, AK Steel Corporation (AK Steel or Customer) filed an application for approval of a unique arrangement pursuant to Ohio Adm.Code 4901:1-38-05(B), with Duke Energy Ohio, Inc. (Duke or Utility). The application proposes an Arrangement as a replacement for Duke's current large customer interruptible load program established in June 2012 in which AK Steel currently participates. Under the proposed Arrangement that will expire May 31, 2025, AK Steel would receive a monthly rate credit matching that recently approved by the Commission for certain interruptible customers in Ohio Power Company's service territory, in exchange for subjecting up to 110 megawatts of AK Steel's electric load to interruption in order to support firm service customers. *In re Ohio Power Co.*, Case Nos. 16-1852-EL-SSO, et al, Opinion & Order, Apr. 25, 2018, at ¶¶ 82-86, 140.

{¶ 3} Ohio Adm.Code 4901:1-38-05(F) allows affected parties to file motions to intervene as well as comments or objections to an application within 20 days of the filing of the application. Motions to intervene were timely filed by Duke, the Ohio Consumers' Counsel (OCC), the Industrial Energy Users-Ohio (IEU-Ohio), and the Ohio Manufacturers' Association Energy Group (OMAEG); comments were also filed by OCC.

{¶ 4} R.C. 4903.221 and Ohio Adm.Code 4901-1-11 permit intervention in Commission proceedings by parties with real and substantial interests that are not otherwise adequately represented, but may be adversely affected by the proceeding, where the intervenors will contribute to the full development and equitable resolution of factual issues without unduly prolonging or delaying the proceeding.

{¶ 5} No objections to any of these motions have been filed, and each of these parties seeking to intervene represents a party or customer class that may be adversely affected by incentives under the proposed unique arrangement. Further, granting intervention will not unduly prolong or delay this proceeding, but will likely contribute to the full development and equitable resolution of the issues raised in this case. Accordingly, the motions of Duke, OCC, IEU-Ohio, and OMAEG to intervene in this proceeding will be granted.

{¶ 6} On May 11, 2018, AK Steel, Duke, and Staff filed a Joint Stipulation and Recommendation (Stipulation) that purports to resolve all of the issues raised in this proceeding, and is not opposed by any party.

{¶ 7} The attorney examiner finds that a hearing should be scheduled in order to consider this application on Tuesday, June 5, 2018, at 10:00 a.m., at the offices of the Commission, 180 East Broad Street, 11th Floor, Hearing Room 11-D, Columbus, Ohio 43215-3793. Direct testimony in support of the Stipulation should be filed by June 4, 2018.

{¶ 8} It is, therefore,

{¶ 9} ORDERED, That the motions to intervene by Duke, OCC, IEU-Ohio, and OMAEG be granted. It is, further,

{¶ 10} ORDERED, That the hearing of this matter be scheduled for June 5, 2018, at 10:00 a.m., at the offices of the Commission, 180 East Broad Street, 11th Floor, Hearing Room 11-D, Columbus, Ohio 43215-3793. It is, further,

{¶ 11} ORDERED, That direct testimony in support of the Stipulation be filed by June 4, 2018. It is, further,

{¶ 12} ORDERED, That a copy of this Entry be served upon each party of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/ Richard M. Bulgrin

By: Richard M. Bulgrin
Attorney Examiner

JRJ/mef

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Case No(s). 18-0450-EL-AEC

Summary: Attorney Examiner Entry granting motions to intervene and setting a hearing for 6/5/18 at 10:00am. electronically filed by Ms. Mary E Fischer on behalf of Richard M. Bulgrin, Attorney Examiner, Public Utilities Commission of Ohio