

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

<b>In the Matter of the Application of Duke</b>	)	
<b>Energy Ohio, Inc., for Implementation of</b>	)	<b>Case No. 18-1185-EL-UNC</b>
<b>the Tax Cuts and Jobs Act of 2017.</b>	)	

<b>In the Matter of the Application of Duke</b>	)	
<b>Energy Ohio, Inc., for Approval of Tariff</b>	)	<b>Case No. 18-1186-EL-ATA</b>
<b>Amendments.</b>	)	

**MOTION TO INTERVENE OF  
THE OHIO CABLE TELECOMMUNICATIONS ASSOCIATION**

The Ohio Cable Telecommunications Association (“OCTA”), representing the interests of Ohio’s cable telecommunications industry, moves for intervention in the above-styled proceeding as a full party of record pursuant to Section 4903.221, Revised Code and Rule 4901-1-11, Ohio Administrative Code. Supporting reasons are set forth in the accompanying Memorandum in Support.

WHEREFORE, the OCTA respectfully requests that the Public Utilities Commission of Ohio grant this motion to intervene and make the OCTA a full party of record.

Respectfully Submitted,

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**MEMORANDUM IN SUPPORT OF  
THE MOTION TO INTERVENE OF  
THE OHIO CABLE TELECOMMUNICATIONS ASSOCIATION**

Section 4903.221, Revised Code, and Rule 4901-1-11, Ohio Administrative Code, establish the standard for intervention in the above-styled proceeding. Rule 4901-1-11, Ohio Administrative Code, 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 Public Utilities Commission of Ohio ("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*, Section 4903.221(B), Revised Code, upon which the above rule is authorized. A review of these factors in light of the following facts supports granting the OCTA's intervention in this matter.

Duke Energy Ohio, Inc. ("Duke") initiated this proceeding in late July 2018 to propose how it will implement the impacts of the Tax Cuts and Jobs Act of 2017 ("TCJA") and pass the benefits on to customers. Duke's July 25, 2018 filing includes a proposed rider – the Electric Tax Cuts and Jobs Act Rider – to credit its customers "with the full benefits of the TCJA, not already recognized in current rates." Duke's proposal appears to be intended to address all remaining TCJA issues beyond the Commission's focus in *In the Matter of the Commission's Investigation of the Financial Impact of the Tax Cuts and Jobs Act of 2017*, Case No. 18-47-AU-

COI.

The TCJA affects Duke's pole attachment rates because taxes are a component of the pole attachment rate-setting formula approved by the Commission. Duke's application and the proposed credit rider, however, do not indicate whether the proposed credit would apply to pole attachers. If not applicable, there is no indication what Duke is otherwise proposing for its pole attachment rates because of the TCJA. The Commission's decision in this matter could affect the pole attachers' interests particularly if this credit rider is not applicable and yet accepted as a full resolution of the remaining TCJA-related issues. The OCTA represents the cable telecommunications industry in Ohio. The OCTA's members pay Duke's pole attachment rates, and will be directly and substantially affected by the outcome of this proceeding. Access to the poles is a vitally important aspect of the OCTA's members' provision of a variety of communications services, including video, voice, and Internet access services in Duke's service territory. The OCTA and its members, therefore, have a direct and significant stake in ensuring that the benefits of the TCJA are appropriately recognized in those rates, and that those rates are just and reasonable.

The OCTA seeks to intervene in this case to protect the interests of its members. The OCTA's motion is timely filed. In addition, the OCTA has unique knowledge and perspective that will contribute to a just and expeditious resolution of the issues involved in this proceeding, particularly as to pole attachment tariffs which are established under a special formula and process, apart from other electric rates of Duke. The OCTA's intervention will not result in an undue delay of the proceeding. Finally, the OCTA's interests are not represented by any other party in this proceeding.

WHEREFORE, for all of the foregoing reasons, the OCTA respectfully requests that the Commission grant this motion to intervene and that the OCTA be made a full party of record.

Respectfully Submitted,

/s/ Gretchen L. Petrucci

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## **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 hereby certifies that a copy of the foregoing document is also being served (via electronic mail) on the 14th day of August 2018 upon the entities and persons listed below.

/s/ Gretchen L. Petrucci

Gretchen L. Petrucci

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Summary: Motion to Intervene of The Ohio Cable Telecommunications Association electronically filed by Mrs. Gretchen L. Petrucci on behalf of Ohio Cable Telecommunications Association