

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Duke Energy Ohio, Inc., for an Adjustment to Rider MGP Rates	)	Case No. 14-0375-GA-RDR
)	
In the Matter of the Application of Duke Energy Ohio, Inc., for Tariff Approval	)	Case No. 14-0376-GA-ATA
)	
In the Matter of the Application of Duke Energy Ohio, Inc., for an Adjustment to Rider MGP Rates	)	Case No. 15-0452-GA-RDR
)	
In the Matter of the Application of Duke Energy Ohio, Inc., for Tariff Approval	)	Case No. 15-0453-GA-ATA
)	
In the Matter of the Application of Duke Energy Ohio, Inc., for an Adjustment to Rider MGP Rates	)	Case No. 16-0542-GA-RDR
)	
In the Matter of the Application of Duke Energy Ohio, Inc., for Tariff Approval	)	Case No. 16-0543-GA-ATA
)	
In the Matter of the Application of Duke Energy Ohio, Inc., for an Adjustment to Rider MGP Rates	)	Case No. 17-0596-GA-RDR
)	
In the Matter of the Application of Duke Energy Ohio, Inc., for Tariff Approval	)	Case No. 17-0597-GA-ATA
)	
In the Matter of the Application of Duke Energy Ohio, Inc., for an Adjustment to Rider MGP Rates	)	Case No. 18-0283-GA-RDR
)	
In the Matter of the Application of Duke Energy Ohio, Inc., for Tariff Approval	)	Case No. 18-0284-GA-ATA
)	
In the Matter of the Application of Duke Energy Ohio, Inc., for an Adjustment to Rider MGP Rates.	)	Case No. 19-174-GA-RDR
)	
In the Matter of the Application of Duke Energy Ohio, Inc., for Tariff Approval.	)	Case No. 19-175-GA-ATA
)	

**MOTION TO INTERVENE OF
THE OHIO MANUFACTURERS' ASSOCIATION ENERGY GROUP**

Pursuant to Section 4903.221, Revised Code, and Rule 4901-1-11, Ohio Adm. Code, and the Attorney Examiner's August 13, 2019 Entry,¹ the Ohio Manufacturers' Association Energy Group (OMAEG) respectfully moves the Public Utilities Commission of Ohio (Commission) for leave to intervene with the full powers and rights granted to intervening parties in Case Nos. 19-174-GA-RDR and 19-175-GA-ATA (*2018 Rider MGP Adjustment*) which recently were consolidated, *sua sponte*, with the other above-captioned matters.² OMAEG already is an active participant in these consolidated proceedings insofar as it has moved to intervene in Case Nos. 17-0596-GA-RDR and 17-0597-GA-ATA (*2016 Rider MGP Adjustment*),³ filed Reply Comments for the Commission's consideration,⁴ and filed a Memorandum Contra Duke's motion to continue Rider MGP.⁵ Nonetheless, the August 13, 2019 Entry instructed any interested parties to intervene separately in the *2018 Rider MGP Adjustment*.⁶ As demonstrated in the attached Memorandum in Support, OMAEG has a real and substantial interest in these proceedings which may be adversely affected by the outcome herein, and which cannot be adequately represented by any other existing parties. Accordingly, OMAEG satisfies the standard for intervention set forth in Ohio statutes and regulations.

¹ The Attorney Examiner's August 13, 2019 Entry (August 13, 2019 Entry) requires that "Motions to intervene in the *2018 Rider MGP Adjustment* shall be filed by September 13, 2019." *Id.* at ¶ 20(a).

² *Id.* at ¶ 18.

³ See *2016 Rider MGP Adjustment*, OMAEG's Motion To Intervene (April 14, 2017).

⁴ See OMAEG's Reply Comments (October 30, 2018).

⁵ See OMAEG's Memorandum Contra Duke's Motion to Continue Rider MGP Recovery of Costs Incurred Since 2014 (May 28, 2019).

⁶ August 13, 2019 Entry at ¶ 20(a).

Therefore, OMAEG respectfully requests that the Commission grant this motion to intervene and that OMAEG be made a full party of record in these proceedings.

Respectfully submitted,

/s/ Kimberly W. Bojko

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MEMORANDUM IN SUPPORT

On March 29, 2019, Duke Energy Ohio, Inc. (Duke) filed an application seeking approval to adjust its Manufactured Gas Plant Rider (Rider MGP) to recovery 2018 costs for investigation and remediation of manufactured gas plant (MGP) sites.⁷ Shortly thereafter, on May 10, 2019, Duke filed a motion to continue Rider MGP to recover costs incurred since 2014.⁸ OMAEG and other parties opposed that motion.⁹ By way of the August 13, 2019 Entry, the Attorney Examiner denied Duke's motion, consolidated the *2018 Rider MGP Adjustment* with the previously consolidated proceedings, and set a procedural schedule for a hearing.¹⁰ As explained in more detail below, OMAEG has a real and substantial interest in the outcome of these proceedings.

Section 4903.221, Revised Code, and Rule 4901-1-11, Ohio Administrative Code, establish the standard for intervention in the above-captioned proceedings. Section 4903.221, Revised Code, provides, in part, that any person “who may be adversely affected” by a Commission proceeding is entitled to seek intervention in that proceeding. Section 4903.221(B), Revised Code, further requires the Commission to consider the nature and extent of the prospective intervenor's interest, the legal position advanced by the prospective intervenor and its probable relation to the merits of the case, whether the intervention by the prospective intervenor will unduly prolong or delay the proceeding, and the prospective intervenor's potential contribution to a just and expeditious resolution of the issues involved.

⁷ Application of Duke Energy Ohio, Inc. at 1 (March 29, 2019).

⁸ See Duke's Motion to Continue Rider MGP Recovery of Costs Incurred Since 2014 (May 10, 2019).

⁹ See OMAEG's Memorandum Contra Duke's Motion to Continue Rider MGP Recovery of Costs Incurred Since 2014 (May 28, 2019).

¹⁰ See August 13, 2019 Entry.

Rule 4901-1-11, Ohio Adm. Code, permits intervention by a party who demonstrates a real and substantial interest in the proceeding and who is so situated that the disposition of the proceeding may impair or impede its ability to protect that interest and whose interest is not adequately represented by an existing party.

OMAEG is a non-profit entity that strives to improve business conditions in Ohio and drive down the cost of doing business for Ohio manufacturers. OMAEG works directly with elected officials, regulatory agencies, the judiciary, and the media to provide education and information to energy consumers, regulatory boards and suppliers of energy; advance energy policies to promote an adequate, reliable, and efficient supply of energy at reasonable prices; and advocate in critical cases before the Commission. OMAEG members purchase natural gas services from Duke, have previously participated in proceedings involving Duke,¹¹ and will be affected by the Commission's determination in these proceedings. The Ohio Manufacturers' Association (OMA) was granted intervention in the case where the Rider MGP was originally approved.¹² The OMAEG is a non-profit entity created by the OMA for the purpose of educating and providing information to energy consumers, regulatory boards and suppliers of energy; advancing energy policies to promote an adequate, reliable, and efficient supply of energy at reasonable prices; and, advocating in critical cases before the Commission. The OMAEG's members are all members of the OMA. And, OMAEG already is an active participant in these

¹¹ See e.g., *In the Matter of the Application of Duke Energy Ohio, Inc. for an Increase in Gas Rates*, Case No. 12-1685-GA-AIR et al.; *In the Matter of the Application of Duke Energy Ohio, Inc. for Approval to Continue Cost Recovery Mechanism for Energy Efficiency Programs through 2016*, Case No. 14-1580-EL-RDR; *In the Matter of the Application of the Duke Energy Ohio for Authority to Establish a Standard Service Officer Pursuant to Section 4928.143, Revised Code, in the Form of an Electric Service Plan, Accounting Modifications and Tariffs for Generation Service et al.*, Case Nos. 14-841-EL-SSO et al.; and *In the Matter of the Application of Duke Energy Ohio, Inc. for a Waiver to File a New Energy Efficiency and Peak Demand Reduction Portfolio Application*, Case No. 16-576-EL-WVR.

¹² See *In the Matter of the Application of Duke Energy Ohio, Inc. for an Increase in Gas Rates*, Case No. 12-1685-GA-AIR et al., Entry at 2 (January 18, 2013) (Entry granting OMA's Motion to Intervene).

consolidated proceedings insofar as it has moved to intervene in the *2016 Rider MGP Adjustment*,¹³ filed Reply Comments for the Commission's consideration,¹⁴ and filed a Memorandum Contra Duke's motion to continue Rider MGP.¹⁵

Therefore, OMAEG has a direct, real, and substantial interest in the issues raised in these proceedings and is so situated that the disposition of these proceedings may, as a practical matter, impair or impede its ability to protect that interest. It is regularly and actively involved in Commission proceedings and, as in previous proceedings, OMAEG's unique knowledge and perspective will contribute to the full development and equitable resolution of the factual issues in these proceedings. OMAEG's interest will not be adequately represented by other parties to these proceedings and its timely intervention will not unduly delay or prolong these proceedings.

Because OMAEG satisfies the criteria set forth in Section 4903.221, Revised Code, and Rule 4901-1-11, Ohio Adm. Code, it is authorized to intervene with the full powers and rights granted by the Commission to intervening parties. Accordingly, OMAEG respectfully requests that the Commission grant this motion for leave to intervene and that OMAEG be made a full party of record.

¹³ See *2016 Rider MGP Adjustment*, OMAEG's Motion To Intervene (April 14, 2017).

¹⁴ See OMAEG's Reply Comments (October 30, 2018).

¹⁵ See OMAEG's Memorandum Contra Duke's Motion to Continue Rider MGP Recovery of Costs Incurred Since 2014 (May 28, 2019).

Respectfully submitted,

/s/ Kimberly W. Bojko _____

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Counsel for OMAEG

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing was served upon counsel of record via electronic mail on September 6, 2019.

/s/ Kimberly W. Bojko _____

Kimberly W. Bojko

This foregoing document was electronically filed with the Public Utilities

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Summary: Motion to Intervene of The Ohio Manufacturers' Association Energy Group electronically filed by Mrs. Kimberly W. Bojko on behalf of OMA Energy Group