

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Duke)
Energy Ohio, Inc., for Authority to Adjust its) Case No. 19-1750-EL-UNC
Power Forward Rider.)

In the Matter of the Application of Duke Energy)
Ohio, Inc. for Approval to Change Accounting) Case No. 19-1751-GE-AAM
Methods.)

**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, the Ohio Manufacturers' Association Energy Group (OMAEG) respectfully moves the Public Utilities Commission of Ohio (Commission) to intervene in the above-captioned proceeding with the full powers and rights granted to intervening parties. As demonstrated further in the attached Memorandum in Support, OMAEG has a real and substantial interest in this proceeding 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. Therefore, OMAEG respectfully requests that the Commission grant this motion to intervene and that OMAEG be made a full party of record in this proceeding. A memorandum in support is attached hereto.

Respectfully submitted,

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MEMORANDUM IN SUPPORT

On September 24, 2019, Duke Energy Ohio, Inc. (Duke) filed an application seeking “Approval Of Its Infrastructure Modernization Plan, Adjustment To Rider Power Forward, And Request For Deferrals.”¹ The application seeks approval to include in its Power Forward rider (Rider PF) costs associated with its initial infrastructure modernization plan consisting of information system upgrades and other infrastructure investment programs (Duke calls this its “Infrastructure Modernization Plan.”)² Specifically, Duke seeks to recover costs related to a new customer information system (i.e., Customer Connect) and three new programs “inspired by the [Commission’s] PowerForward initiative.”³ Duke also seeks to defer operations and maintenance (O&M) costs incremental to amounts in both its base electric and natural gas rates that have been or will be incurred in relation to its new Infrastructure Modernization Plan. Duke states that its application is being filed pursuant to the Stipulation and Recommendation filed in Case Nos. 17-0032-EL-AIR, et al., 17-1263-EL-SSO, et al., 17-872-EL-RDR, et al., and 16-1602-EL-CSS, et al.⁴

¹ Application of Duke Energy Ohio, Inc. (September 24, 2019).

² Id.

³ Id. at 2.

⁴ Id.

Section 4903.221, Revised Code, and Rule 4901-1-11, Ohio Adm. Code, establish the standard for intervention in the above-captioned proceeding. 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.

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 electric services from Duke, have previously participated in proceedings involving Duke,⁵ and will be affected by the

⁵ See e.g., *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.

Commission's determination in this proceeding. Moreover, OMAEG was involved in the underlying consolidated proceedings resulting in the settlement referenced by Duke.⁶

Therefore, OMAEG has a direct, real, and substantial interest in the issues raised in this proceeding and is so situated that the disposition of the proceeding 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 this case. OMAEG's interests will not be adequately represented by other parties to the proceeding. Finally, OMAEG's intervention is timely and will not unduly delay or prolong the proceeding.

OMAEG satisfies the criteria set forth in R.C. 4903.221 and Ohio Adm. Code 4901-1-11, and is therefore authorized to intervene with the full power and rights granted by the Commission to intervening parties. As such, OMAEG respectfully requests that the Commission grant this motion to intervene and that OMAEG be made a full party of record in the above-captioned proceeding.

Respectfully submitted,

/s/ Kimberly W. Bojko
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Counsel for OMAEG

⁶ See *In the Matter of the Application of Duke Energy Ohio, Inc. for an Increase in Electric Distribution Rates*, Case Nos. 17-0032-EL-AIR, et al.

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing was served upon all parties of record via electronic mail October 31, 2019.

/s/ Kimberly W. Bojko
Kimberly W. Bojko

This foregoing document was electronically filed with the Public Utilities

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in

Case No(s). 19-1750-EL-UNC, 19-1751-GE-AAM

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