

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Duke)
Energy Ohio, Inc., for an Adjustment to Rider) Case No. 20-0053-GA-RDR
MGP Rates.)
)
In the Matter of the Application of Duke) Case No. 20-0054-GA-ATA
Energy Ohio, Inc., for Tariff Approval.)

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

Pursuant to R.C. 4903.221 and Ohio Adm. Code 4901-1-11, the Ohio Manufacturers' Association Energy Group (OMAEG) respectfully moves the Public Utilities Commission of Ohio (Commission) to intervene with the full powers and rights granted to intervening parties in Case Nos. 20-0053-GA-RDR and 20-0054-GA-ATA (*2019 Rider MGP Adjustment*). OMAEG has actively participated in the numerous other proceedings regarding recovery of costs associated with Duke Energy Ohio, Inc.'s (Duke) old manufactured gas plants (MGPs),¹ including the recent consolidated *2013-2018 Rider MGP* proceeding.²

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 and which cannot be adequately represented by any other parties. Further, OMAEG's participation

¹ See *2016 Rider MGP Adjustment*, OMAEG's Motion to Intervene (April 14, 2017); *2013-2017 Rider MGP Adjustments*, OMAEG's Reply Comments (October 30, 2018); *2013-2017 Rider MGP Proceedings* OMAEG's Memorandum Contra Duke's Motion to Continue Rider MGP Recovery of Costs Incurred Since 2014 (May 28, 2019); *2018 Rider MGP Adjustment*, OMAEG's Motion to Intervene (September 6, 2019); *2018 Rider MGP Adjustment*, OMAEG's Post-hearing Brief (January 17, 2020); *2018 Rider MGP Adjustment*, OMAEG's Post-hearing Reply Brief (February 14, 2020).

² Entry at ¶ 24 (August 9, 2019).

will not unduly delay the proceedings or prejudice any other party. Accordingly, OMAEG satisfies the standard for intervention set forth in Ohio statutes and regulations. OMAEG respectfully requests that this Commission grant this motion to intervene for these reasons and those set forth in more detail in the attached Memorandum in Support.

Respectfully submitted,

/s/ Kimberly W. Bojko

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MEMORANDUM IN SUPPORT

On March 31, 2020, Duke Energy Ohio, Inc. (Duke) filed an application seeking approval to adjust its Manufactured Gas Plant Rider (Rider MGP) to recover 2019 costs for its ongoing investigation and remediation of the MGP sites that are no longer serving customers.³ As further explained below, OMAEG has a real and substantial interest in the outcome of these proceedings.

R.C. 4903.221 and Ohio Adm. Code 4901-1-11, establish the standard for intervention in the above-captioned proceedings. R.C. 4903.221, provides, in part, that any person “who may be adversely affected” by a Commission proceeding is entitled to seek intervention in that proceeding. R.C. 4903.221(B), 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.

Ohio Adm. Code 4901-1-11, 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

³ 2019 Rider MGP Adjustment, Application at ¶ 1 (March 31, 2020).

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 members and their representatives work 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 and recovery of costs associated with remediation of the MGP sites,⁴ 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.⁵ OMAEG is a non-profit entity created by OMA and OMAEG's members are all members of OMA. Additionally, OMAEG already is an active participant in several other proceedings regarding the recovery of remediation costs for the MGP sites.⁶

⁴ 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 Offer 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; *2013-2018 Rider MGP Proceedings*.

⁵ 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).

⁶ See *2016 Rider MGP Adjustment*, OMAEG's Motion to Intervene (April 14, 2017); *2013-2017 Rider MGP Adjustments*, OMAEG's Reply Comments (October 30, 2018); *2013-2017 Rider MGP Proceedings*, OMAEG's Memorandum Contra Duke's Motion to Continue Rider MGP Recovery of Costs Incurred Since 2014 (May 28, 2019); *2018 Rider MGP Adjustment*, OMAEG's Motion to Intervene (September 6, 2019); *2018 Rider MGP Adjustment*, OMAEG's Post-hearing Brief (January 17, 2020); *2018 Rider MGP Adjustment*, OMAEG's Post-hearing Reply Brief (February 14, 2020).

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. OMAEG 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, and OMAEG's interest will not be adequately represented by other parties to these proceedings. Finally, this timely intervention will not unduly delay or prolong these proceedings.

Because OMAEG satisfies the criteria set forth in R.C. 4903.221 and Ohio Adm. Code 4901:11, it is authorized to intervene with the full powers and rights granted by the Commission to intervene parties. Accordingly, OMAEG respectfully requests that the Commission grant this motion to intervene and that OMAEG be made a full party of record.

Respectfully submitted,

/s/ Kimberly W. Bojko

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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 also is being served via electronic mail on June 2, 2020 upon the parties listed below.

/s/ Kimberly W. Bojko
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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