

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Duke	)	
Energy Ohio, Inc., for Approval of its	)	
2021 Energy Efficiency and Demand Side	)	Case No. 20-1444-EL-POR
Management Portfolio of Programs and	)	
Cost Recovery Mechanism.	)	

In the Matter of the Application of Duke	)	
Energy Ohio, Inc., for Approval of Tariff	)	Case No. 20-1445-EL-ATA
Amendments.	)	

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**MOTION TO INTERVENE BY PEOPLE WORKING COOPERATIVELY, INC.**

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Pursuant to Ohio Revised Code 4903.221 and Ohio Administrative Code 4901-1-11, People Working Cooperatively, Inc. (“PWC”) respectfully moves to intervene in the above-captioned proceedings. As explained more thoroughly in the attached Memorandum in Support, PWC has a real and substantial interest in this case, in which Duke Energy Ohio, Inc. (“Duke”) has filed an application to establish energy efficiency and demand-side management programs for calendar year 2021.

PWC is a unique non-profit organization that has served customers in Ohio for over forty years. PWC provides weatherization and energy management services to low-income residential consumers. It owns and maintains the necessary tools and equipment to deliver its services and employs a full-time staff of skilled construction and administrative personnel, both of which greatly enhance PWC’s ability to provide excellent and efficient services. PWC broadens its ability to provide client services by leveraging utility funding to obtain additional funding from other entities. PWC provides services in Duke’s service territory and therefore has a direct interest in the availability of funding for low-income residential efficiency and demand-side management improvements through Duke’s programs. PWC therefore seeks intervention in this

proceeding in order to support utility programs that benefit Duke's low-income customers, and to provide input into the design and execution of Duke's proposed plan, based on our organization's experience and expertise in this field.

The interests of PWC are not are not adequately represented by any other party to this matter and its participation in this proceeding will contribute to a just and expeditious resolution of the issues to the benefit of Duke's low-income residential customers that receive services from PWC. Finally, PWC's participation in this docket will not unduly delay the proceeding or prejudice any other party.

PWC therefore respectfully requests this Commission grant its motion to intervene for these reasons and those set forth in more detail in the attached Memorandum in Support.

November 17, 2020

Respectfully submitted,

/s/ Madeline Fleisher  
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Inc.*

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**MEMORANDUM IN SUPPORT OF THE MOTION TO INTERVENE  
BY PEOPLE WORKING COOPERATIVELY, INC.**

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Ohio Revised Code (“R.C.”) 4903.221 states that “[a]ny other person who may be adversely affected by a public utilities commission proceeding may intervene in such proceeding” provided the Public Utilities Commission of Ohio (“PUCO” or “Commission”) makes certain determinations. This statutory provision requires the Commission to consider four factors when presented with a motion to intervene. In addition, the Commission’s procedural rules at Ohio Administrative Code (“Ohio Adm. Code”) 4901-11-1 similarly provide that it shall consider five factors when weighing a motion to intervene. This request for intervention by People Working Cooperatively, Inc. (“PWC”) satisfies all of the factors set forth in statute and rule.

Pursuant to R.C. 4903.221, the Commission must consider:

- (1) The nature and extent of the prospective intervenor’s interest;
- (2) The legal position advanced by the prospective intervenor and its probable relation to the merits of the case;
- (3) Whether the intervention by the prospective intervenor will unduly prolong or delay the proceedings; [and]
- (4) Whether the prospective intervenor will significantly contribute to full development and equitable resolution of the factual issues.

R.C. 4903.221(B).

With respect to the first and second factors, PWC is a unique non-profit organization that has served customers in Ohio for over forty years. PWC provides weatherization and energy management services to low-income residential consumers. It owns and maintains the necessary tools and equipment to deliver its services and employs a full-time staff of skilled construction and administrative personnel, both of which greatly enhance PWC's ability to provide excellent and efficient services. PWC broadens its ability to provide client services by leveraging utility funding to obtain additional funding from other entities. PWC provides services in Duke's service territory and therefore has a real and substantial interest in the availability of funding for low-income residential efficiency and demand-side management improvements through Duke's programs. Duke's proposal includes programs intended to provide energy efficiency and demand-side management measures for low-income customers that would otherwise not be well-served by the private market.<sup>1</sup> PWC therefore seeks intervention in this proceeding in order to support utility programs that benefit Duke's low-income customers, and to provide input into the design and execution of Duke's proposed plan, based on our organization's experience and expertise in this field.

With respect to the third factor, PWC's participation in this docket will not unduly delay the proceeding or prejudice any other party. The Commission has set no deadline for intervention in this docket, and there is no procedural schedule currently in place. PWC will

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<sup>1</sup> Duke Application for Approval of Energy Efficiency and Demand Side Management Portfolio of Programs and a Cost Recovery Mechanism (Oct. 9, 2020) at 9-10.

comply with applicable regulatory deadlines for the Commission's consideration of Duke's application under Ohio Adm. Code Chapter 4901:1-39.

Finally, PWC's participation in this proceeding will contribute to a just and expeditious resolution of the issues regarding Duke's proposed efficiency and demand-side management plan. As discussed above, PWC has a long history of providing expert services including weatherization and energy management for low-income residential customers, including in Duke's service territory. PWC has actively engaged in Commission dockets regarding low-income efficiency and demand-side management programs in the past.<sup>2</sup> Overall, PWC is well-positioned to provide the Commission with a unique and expert perspective in its review of Duke's application.

Similarly, PWC satisfies the criteria set forth in Ohio Adm. Code 4901-11-1(B):

- (1) The nature and extent of the prospective intervenor's interest;
- (2) The legal position advanced by the prospective intervenor and its probable relation to the merits of the case;
- (3) Whether the intervention by the prospective intervenor will unduly prolong or delay the proceedings;
- (4) Whether the prospective intervenor will significantly contribute to full development and equitable resolution of the factual issues; [and]
- (5) The extent to which the person's interest is represented by existing parties.

The first four factors mirror those in R.C. 4903.221, and for the same reasons as stated above, PWC meets those factors. As to the fifth, no other party has intervened in this proceeding

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<sup>2</sup> See, e.g., *In the Matter of the Application of The Dayton Power and Light Company for Approval of Its Energy Efficiency and Peak Demand Reduction Portfolio Plan for 2018 through 2020*, Case Nos. 17-1398-EL-POR *et al.*

who provides PWC's unique voice as an energy services provider for low-income residential customers.

Finally, this Commission's policy is to "encourage the broadest possible participation in its proceedings." *Cleveland Elec. Illum. Co.*, Case No. 85-675-EL-AIR, Entry at 2 (January 14, 1986). PWC's inclusion in this proceeding will contribute to this goal of broad participation in PUCO proceedings.

Because PWC meets the criteria set forth in both R.C. 4903.221 and Ohio Adm. Code 4901-11-1, it respectfully asks this Commission to grant its motion to intervene in the above-captioned proceeding.

November 17, 2020

Respectfully submitted,

/s/ Madeline Fleisher  
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## CERTIFICATE OF SERVICE

The e-filing system of the Public Utilities Commission of Ohio will electronically serve notice of the filing of this document on the parties referenced in the service list of the docket card who have electronically subscribed to this case. In addition, the undersigned certifies that a copy of the foregoing document is also being served upon the persons listed below via electronic mail on November 17, 2020.

/s/ Madeline Fleisher  
Madeline Fleisher

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Summary: Motion Motion to Intervene by People Working Cooperatively, Inc. electronically filed by Ms. Madeline Fleisher on behalf of People Working Cooperatively, Inc.