

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Duke)	
Energy Ohio, Inc. for Approval to Modify)	Case No. 21-180-GA-RDR
Rider FBS and Rider EFBS.)	

In the Matter of the Application of Duke)	
Energy Ohio, Inc. for Approval to Modify)	Case No. 21-188-GA-ATA
its Tariff Regarding Rate IMBS.)	

**MOTION TO INTERVENE OF
THE RETAIL ENERGY SUPPLY ASSOCIATION**

Now comes the Retail Energy Supply Association (“RESA”)¹ who, pursuant to Ohio Revised Code Section 4903.221 and Ohio Administrative Code Rule 4901-1-11, moves to intervene in the above-styled proceedings as a full party of record in both cases. The reasons supporting the intervention are contained in the accompanying Memorandum in Support. RESA respectfully requests that the Commission grant this motion to intervene and that RESA be made a full party of record.

Respectfully Submitted,

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¹ The comments expressed in this filing represent the position of RESA as an organization but may not represent the views of any particular member of the Association. Founded in 1990, RESA is a broad and diverse group of retail energy suppliers dedicated to promoting efficient, sustainable and customer-oriented competitive retail energy markets. RESA members operate throughout the United States delivering value-added electricity and natural gas service at retail to residential, commercial and industrial energy customers. More information on RESA can be found at www.resausa.org.

**MEMORANDUM IN SUPPORT OF
THE MOTION TO INTERVENE**

Ohio Revised Code Section (“R.C.”) 4903.221 and Ohio Administrative Code Rule (“Rule”) 4901-1-11 establish the standard for intervention in the above-styled proceedings as a full party of record. Rule 4901-1-11 states in part:

(A) 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 (the “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 also* R.C. 4903.221(B) upon which the above rule is authorized. A review of these factors in light of the following facts supports granting RESA’s intervention.

RESA is a knowledgeable association of experienced retail energy suppliers. RESA and its members have been active in numerous Commission proceedings related to the retail electric and natural gas markets, and members are active suppliers providing service to residential, commercial, industrial and governmental customers in Ohio. RESA members are active participants in the competitive market in Duke Energy of Ohio, Inc.’s service territory in particular.

In these proceedings, Duke Energy of Ohio, Inc. (“Duke”) seeks approval of rate changes for its Firm Balancing Service, its Enhanced Firm Balancing Service and its Interruptible Monthly Balancing Service, based on changes in its costs, based in part on certain charges from Columbia Gas Transmission (“TCO”) that are still under review by the Federal Energy Regulatory Commission (“FERC”). In correspondence filed in these proceedings on April 15, 2021, Duke appears to state that it is proposing to adjust its balancing service rates now based on what TCO is charging and then, following a final outcome from FERC regarding, the TCO rates, to readjust the balancing service rates by incorporating that decision. Duke also seeks to include a new provision in the tariff regarding confiscation of certain excess amounts of natural gas. With members who are active competitive suppliers operating in Duke’s choice program that pay for balancing services each year, RESA has a direct interest in how Duke charges for balancing and how it proposes to modify the tariff language for its balancing services.

RESA’s interests are not represented by Duke or Staff, and no other entity has been granted intervention in these proceedings. RESA’s motion is timely (no deadline for intervention has been set) and thus, RESA’s participation will not unduly prolong or delay the proceedings. Additionally, RESA is knowledgeable of Duke’s market and the issues involved with the balancing services in these proceedings. RESA will contribute significantly to the full development and equitable resolution of the factual issues.

For all of these reasons, RESA satisfies the requirements for intervention in these Commission proceedings. RESA respectfully requests that the Commission grant this motion to intervene and that RESA 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 certifies that a courtesy copy of the foregoing document is also being served (via electronic mail) on the 16th day of April 2021 on all persons/entities listed below:

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Case No(s). 21-0180-GA-RDR, 21-0188-GA-ATA

Summary: Motion Motion to Intervene electronically filed by Mrs. Gretchen L. Petrucci on behalf of Retail Energy Supply Association