

**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 Management Portfolio of Programs and Cost Recovery Mechanism.)	Case No. 20-1444-EL-POR
)	
In the Matter of the Application of Duke Energy Ohio, Inc., for Approval of Tariff Amendments.)	Case No. 20-1445-EL-ATA
)	

**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 in this matter with the full powers and rights granted to intervening parties.

As demonstrated in the attached Memorandum in Support, OMAEG has real and substantial interests that 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 these proceedings.

Respectfully submitted,

/s/ Kimberly W. Bojko

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**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Duke Energy)
Ohio, Inc., for Approval of its 2021 Energy) Case No. 20-1444-EL-POR
Efficiency and Demand Side Management)
Portfolio of Programs and Cost Recovery)
Mechanism.)
)
In the Matter of the Application of Duke Energy)
Ohio, Inc., for Approval of Tariff Amendments.) Case No. 20-1445-EL-ATA
)

MEMORANDUM IN SUPPORT

On October 9, 2020, Duke Energy Ohio, Inc. (Duke) submitted an application to implement a new pilot portfolio of four residential energy efficiency and demand side management (EE/DSM) programs for 2021, a mechanism to recover the programs’ costs, and an additional mechanism to recognize the avoided-cost system benefits resulting from customer participation in the EE/DSM programs.¹ The proposed programs include a home energy report, two low-income customer programs, and a residential load control program,² which Duke alleges “meet needs that cannot be met through market demands.”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 standards for intervention in Commission proceedings. R.C. 4903.221 provides, in pertinent 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

¹ Application at 1-2.

² *Id.* at 12.

³ *Id.* at 1.

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 to 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 members and their representatives work directly with elected officials, regulatory agencies, the judiciary, and others: 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.

As consumers of significant amounts of energy in Duke's service territory, OMAEG has also been involved in numerous cases before the Commission involving Duke,⁴ including those concerning Duke's EE/DSM programs.⁵ While Duke proposed a portfolio consisting of residential

⁴ See, e.g., *In the Matter of the Application of Duke Energy Ohio, Inc. for Adjustments to the Rider MGP Rates*, Case Nos. 14-375-GA-RDR, et al.; *In the Matter of the Application of 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*, Case Nos. 14-841-EL-SSO et al..

⁵ See, e.g., *In the Matter of the Application of Duke Energy Ohio, Inc., for Recovery of Program Costs, Lost Distribution Revenue and Performance Incentives Related to Its Energy Efficiency and Demand Response Programs*, Case No. 18-397-EL-RDR; *In the Matter of the Annual Energy Efficiency Portfolio Status Report of Duke Energy Ohio, Inc.*, Case No. 17-689-EL-EEC; *In the Matter of the Application of Duke Energy Ohio, Inc. for Approval of Its Program Portfolio Plan*, Case No. 16-576-EL-POR; *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 Duke Energy Ohio, Inc. for Recovery of Program Costs, Lost Distribution Revenue, and Performance Incentives Related to its Energy Efficiency and Demand Response Programs for 2014*, Case No. 15-534-EL-RDR.

EE/DSM programs with recovery through a residential EE/DSM rider,⁶ Duke stated that its existing application is subject to change based on legislative developments affecting EE/DSM programs.⁷ Therefore, to the extent Duke's proposal may also include non-residential programs and/or attempts to recover costs for its programs from non-residential customers, OMAEG members served by Duke may be adversely affected by the Commission's determination in these proceedings. Moreover, Am. Sub. H.B. 6 (H.B. 6) terminated mandatory EE programs in Ohio and Duke cannot propose to collect mandatory charges for voluntary EE offerings under Ohio laws and regulations and Commission precedent. Accordingly, OMAEG has a substantial interest in protecting its interests and ensuring that any EE/DSM programs and/or charges that may affect its members are just, reasonable, and consistent with Ohio law.

For these reasons, OMAEG has a direct, real, and substantial interest in the issues raised in this proceeding 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 this case. OMAEG's interest will not be adequately represented by other parties and its timely intervention will not unduly delay or prolong these proceedings.

⁶ Application at 1; Tariff Sheet Nos. 129-130.

⁷ Application at 29.

As discussed above, OMAEG satisfies the criteria for intervention set out in R.C. 4903.221 and Ohio Adm. Code 4901-1-11. OMAEG, therefore, respectfully requests that the Commission grant this motion, allow OMAEG to intervene with the full powers and rights granted by the Commission to intervening parties, and make OMAEG 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 11, 2021 upon the parties listed below.

/s/ Kimberly W. Bojko
Kimberly W. Bojko

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