

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

**In the Matter of the Application of Duke)
Energy Ohio, Inc. for Approval to Amend) Case No. 21-794-GA-ATA
its Natural Gas Tariff.)**

**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 4901-1-11, moves to intervene in the above-styled proceeding as a full party of record. The reasons supporting this request for intervention are contained in the accompanying Memorandum in Support. RESA respectfully requests that the Commission grant this motion to intervene because its members will be directly affected by the proposed tariff amendment and it meets the standard for intervention. No other intervening party represents RESA’s or its members’ interests in this matter. Therefore, RESA should 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”) 4901-1-11 establish the standard for intervention in the above-styled proceeding 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 Public Utilities Commission of Ohio (the “Commission”) also considers 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.

First, Duke Energy of Ohio, Inc. (“Duke Energy”) seeks approval to amend its natural gas tariff, P.U.C.O. Gas No. 18, to include changes that directly affect suppliers. Duke Energy is proposing amendments relating to delivery of natural gas into Duke Energy’s system, the terms of its pooling agreement with suppliers, scheduling, and balancing requirements among other things. The proposed changes include new language to:

- Require suppliers to share the cost of supplies obtained by Duke upon intraday increases in system load (redlined Sheet 44.14, pages 19-20);
- Allow Duke to direct the city gate to be used (redlined Sheet 37.5, page 1; Sheet 44.14, pages 19, 21; Addendum pages 5, 6; Sheet 46.1 pages 1, 4; Sheet 56.17, pages 1 and 4; Sheet 52.4, page 1; Sheet 58.7, page 1);

- Not obligate Duke to accommodate post-timely nominations (redlined Sheet 44.14, page 21; Addendum page 5; Sheet 46.1, page 4; Sheet 56.17, page 4; Sheet 58.7, page 1);
- Allow suppliers to deliver to one city gate if the maximum daily quantities are less than 500 Dths (redlined Sheet 44.14, page 22; Addendum page 6); and
- Allow suppliers to make inter-pool trades (redlined Sheet 58.7, page 2)

With members who are active competitive suppliers operating in Duke Energy's territory, RESA has a direct interest in Duke Energy's proposed amendments.

Second, RESA's interests are not represented by Duke Energy, Staff or by the other entity who sought to intervene in this case. Third, RESA is a knowledgeable association of experienced retail energy suppliers that will contribute to the proceeding. RESA and its members have been active in numerous Commission proceedings related to the retail natural gas market in Ohio, and RESA members are active suppliers providing service to residential, commercial, industrial and governmental customers in Duke Energy's service territory Ohio. RESA is knowledgeable of Duke Energy's market and the issues involved with the services in this proceeding. RESA will therefore contribute significantly to the full development and equitable resolution of the issues.

Fourth, RESA's motion is timely (no deadline for intervention has been set) and thus, RESA's participation will not unduly prolong or delay the proceeding. Last, the Supreme Court of Ohio has stated that intervention in Commission proceedings should be liberally allowed so that the positions of all persons with a real and substantial interest in the proceedings can be considered by the Commission. *Ohio Consumers' Counsel v. Pub. Util. Comm.* (2006), 111 Ohio St.3d 384, 388, 2006-Ohio-5853.

For all of these reasons, RESA satisfies the requirements for intervention in this Commission proceeding. RESA has real and substantial interests, and will be prejudiced without the opportunity to participate in this proceeding to address its interests. 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 sent (via electronic mail) on the 14th day of February 2022 on all persons/entities listed below:

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