

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Duke Energy) Case No. 21-887-EL-AIR
Ohio, Inc. for an Increase in Electric Distribution)
Rates.)

In the Matter of the Application of Duke Energy) Case No. 21-888-EL-ATA
Ohio, Inc. for Tariff Approval.)

In the Matter of the Application of Duke Energy) Case No. 21-889-EL-AAM
Ohio, Inc. for Approval to Change Accounting)
Methods.)

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

Pursuant to Ohio Revised Code (“R.C.”) Section 4903.221 and Ohio Administrative Code (“O.A.C.”) Rule 4901-1-11, People Working Cooperatively, Inc. (“PWC”) respectfully moves the Public Utilities Commission of Ohio (“Commission”) for leave to intervene in the above-captioned proceedings. The Commission should grant this Motion to Intervene because PWC has a real and substantial interest in these proceedings as it has been providing weatherization and energy management services to low-income residential consumers in the electric service territory of Duke Energy Ohio, Inc. (“Duke”) for decades; the Commission’s disposition of these proceedings may impair or impede PWC’s ability to protect that interest; PWC’s participation will not unduly prolong or delay these proceedings; and PWC will significantly contribute to the full development and equitable resolution of the relevant issues. In addition, PWC’s unique interests will not be adequately represented by other parties.

Accordingly, for these reasons and for the reasons set forth in the Memorandum in Support attached hereto and incorporated herein, PWC respectfully requests that the Commission grant this Motion to Intervene.

Respectfully Submitted,

/s/ Christine M.T. Pirik

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March 18, 2022

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**MEMORANDUM IN SUPPORT OF
PEOPLE WORKING COOPERATIVELY, INC'S
MOTION TO INTERVENE**

I. Introduction

On October 1, 2022, Duke filed an application to increase its electric distribution rates, for tariff approval, and for approval to changing accounting methods.

As explained further herein, PWC has a real and substantial interest in these proceedings, the Commission's disposition of these proceedings may impair or impede PWC's ability to protect that interest, PWC's participation will not unduly prolong or delay these proceedings, and PWC will significantly contribute to the full development and equitable resolution of the relevant issues. Accordingly, PWC submits this Motion to Intervene.

II. Legal Standard

R.C. Section 4903.221(B) sets forth the criteria the Commission must consider in ruling on motions to intervene, which include:

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.

O.A.C. Rule 4901-1-11(A) also provides detail on the statutory intervention criteria and requires that the Commission allow intervention by a person who has a “real and substantial interest in the proceeding” and who “is so situated that the disposition of the proceeding may, as a practical matter, impair or impeded his or her ability to protect that interest, unless the person's interest is adequately represented by existing parties.”

The Commission has explained that its policy is to encourage robust participation in its proceedings. *See Cleveland Elec. Illum. Co.*, Case No. 85-675-EL-AIR, Entry (Jan. 14, 1986). Moreover, the Ohio Supreme Court has held that “intervention ought to be liberally allowed so that positions of all persons with a real and substantial interest in the proceedings can be considered.” *Ohio Consumers' Counsel v. Pub. Util. Comm. of Ohio*, 111 Ohio St.3d 384, 2006-Ohio-5853.

III. PWC Should Be Granted Intervention

PWC is a non-profit organization that has served low-income residential customers in Ohio, including in the Duke service territory, for decades. PWC owns and maintains the equipment necessary to provide weatherization and energy management services to its clients, low-income residential consumers. PWC employs a full-time staff of skilled construction and administrative personnel.

In order to broaden PWC's ability to provide these quality services to its clients, PWC engages funding from utility companies, such as Duke, and other entities. PWC has a long-standing relationship with Duke and has intervened in many Duke electric cases over the years.¹

PWC should be permitted to intervene because it has a real and substantial interest in Duke's electric distribution rate-related proceedings. Duke's funding has helped PWC perform the energy conservation and weatherization services for its low-income clients for many years. PWC intervenes in these rate-related cases to ensure that the funding continues so that these low-income residential customers can continue to receive the benefits of PWC's services. Therefore, PWC has a direct, real, and substantial interest in these proceedings, and may be substantially impacted by the outcome of these proceedings.

PWC will contribute to the just and expeditious resolution of the issues and concerns that are set forth in these proceedings. Likewise, its participation will not cause undue delay or unjust prejudice to any existing party. In addition, PWC is timely filing this Motion to Intervene and will not unduly prolong or delay the proceedings moving forward.

Without PWC's ability to fully participate in these proceedings, PWC's interest will be prejudiced because no other participating party represents PWC's unique interests. In light of the fact that others participating in these proceedings cannot adequately represent PWC's unique interest, it would be inappropriate to make any final determinations without PWC's participation.

IV. Conclusion

The foregoing circumstances support PWC's intervention in these proceedings. Through this Motion to Intervene and Memorandum in Support, PWC has met all requirements for

¹ See *Duke Energy Ohio, Inc.*, Case Nos. 99-1658-EL-ETP, 03-93-EL-ATA, 05-59-EL-AIR, 08-790-EL-SSO, 10-2586-EL-SSO, 11-3549-EL-SSO, 12-1682-EL-AIR, and 17-32-EL-AIR.

intervention set forth in R.C. 4903.221 and O.A.C. Rule 4901-1-11. Therefore, PWC respectfully requests that its Motion to Intervene be granted.

Respectfully Submitted,

/s/ Christine M.T. Pirik

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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 in the service list of the docket card who have electronically subscribed to these cases. In addition, the undersigned certifies that a copy of the foregoing document is also being served upon the persons below via electronic mail this 18th day of March, 2022.

/s/ Christine M.T. Pirik

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Summary: Motion - Motion to Intervene of People Working Cooperatively, Inc.
electronically filed by Christine M.T. Pirik on behalf of People Working
Cooperatively, Inc.