

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

Duke Energy Ohio, Inc.,)	
)	
Complainant,)	
)	
v.)	Case No. 22-0279-EL-CSS
)	
Nationwide Energy Partners, LLC,)	
)	
Respondent.)	

**DUKE ENERGY OHIO, INC.’S REPLY MEMORANDUM IN SUPPORT OF THE
MOTION TO INTERVENE BY THE OFFICE OF THE OHIO CONSUMERS’
COUNSEL**

I. INTRODUCTION

Duke Energy Ohio, Inc. (“Duke Energy Ohio”) supports the Motion to Intervene filed by the Office of the Ohio Consumers’ Counsel (“OCC”). Contrary to the claims of Respondent Nationwide Energy Partners, LLC (“NEP”), OCC has demonstrated that it satisfies each of the criteria for intervention set forth in R.C. 4903.221 and Ohio Adm. Code 4901-1-11(B)(5). As a recognized advocate of residential consumer rights in Ohio, OCC has a substantial interest in representing the at-risk interests of the Somerset residential consumers. Further, OCC’s unique perspective and substantial experience representing consumer interests before the Commission (1) make OCC’s involvement in this proceeding highly valuable to reaching a full and equitable resolution and (2) ensure that OCC’s involvement will not unduly prolong or delay this proceeding.

NEP's arguments lack merit and do nothing to diminish the fact that OCC should be permitted to intervene and participate fully in this case. Accordingly, the Commission should grant OCC's Motion.

II. ARGUMENT

As an initial matter, NEP asserts that OCC has merely asserted a "precedential interest" in this proceeding, insufficient to support a right to intervene.¹ This argument, however, ignores the very facts upon which this proceeding is based. R.C. 4903.221 provides that any party "who may be adversely affected" by a Commission proceeding is entitled to seek intervention in that proceeding. OCC has the unique authority under R.C. Chapter 4911 to represent the interests of residential consumers throughout the state of Ohio. Here, NEP's response fails to recognize both OCC's authority and the reality that this case has the potential to "adversely affect" the interests of over five-hundred residential customers. In fact, NEP's demand to take over service for the Somerset residential customers has already impacted the one hundred and forty-four customers converted to submetering during the fall of 2021.

The customers at Somerset have lost, or are in danger of losing, the regulatory protections provided by this Commission. In addition to being exposed to potential future rate increases, Somerset customers have already lost the benefits of receiving service directly from the distribution utility (i.e., the ability to shop, budget payment plan programs, PIPP programs, disconnection protection, outage notifications, advance notice of rate increases, and the numerous legal protections of Title 49). Contrary to NEP's claims, OCC's interest in this proceeding is not purely legal in nature but is instead based upon the specific facts of the case. As such, the interests asserted by OCC are more than sufficient to support a right to intervene.

¹ NEP Mem. Contra OCC's Mot. to Intervene, at p. 5.

NEP also claims that OCC's intervention is not warranted,² but NEP has mischaracterized the nature of the interests involved and the value of OCC's involvement in this proceeding. As the primary representative of Ohio's residential customers, OCC provides a unique perspective on those customers' interests, entirely divorced from Duke Energy Ohio's own interests. More importantly, the Somerset residential customers are currently unrepresented in this proceeding and, as such, will have little to no options to advocate for their own interests (outside of terminating their lease) once this proceeding has concluded. Given the nature of this proceeding and the specific interests at stake, OCC's involvement will be essential to reaching a full and equitable resolution of the factual issues in this proceeding.

NEP finally argues that OCC's involvement will unduly prolong and delay this proceeding,³ but this argument is unsubstantiated. OCC has a long and substantial history of involvement in proceedings before the Commission and no case schedule has been issued in this matter. As such, it is much more likely that OCC will take advantage of its extensive experience to streamline its involvement in the proceeding rather than hinder the proceeding's resolution or unnecessarily expand the proceeding's scope.

III. CONCLUSION

For the foregoing reasons, Duke Energy Ohio respectfully requests that the Commission grant OCC's Motion to Intervene.

² *Id.* at 8-10.

³ *Id.* at 7.

Respectfully submitted,

/s/ N. Trevor Alexander

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing was filed electronically through the Docketing Information System of the Public Utilities of Ohio on this 2nd day of June, 2022. The PUCO's e-filing system will electronically serve notice of the filing of this document on counsel for all parties.

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Summary: Reply Duke Energy Ohio, Inc's Reply Memorandum in Support of the Motion to Intervene by the Office of the Ohio Consumers' Counsel electronically filed by Mark T. Keaney on behalf of Duke Energy Ohio, Inc.