# BEFORE

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Duke ) Energy Ohio, Inc., for an Increase in Natural ) Gas Rates. )

Case No. 22-507-GA-AIR

In the Matter of the Application of Duke Energy Ohio, Inc., for Approval of an Alternative Form of Regulation.

)

) Case No. 22-508-GA-ALT

)

In the Matter of the Application of Duke Energy Ohio, Inc., for Tariff Approval.

)

) Case No. 22-509-GA-ATA

In the Matter of the Application of Duke ) Energy Ohio, Inc., for Approval To Change ) Accounting Methods. )

Case No. 22-510-GA-AAM

# MOTION TO INTERVENE

**AND MEMORANDUM IN SUPPORT OF THE RETAIL ENERGY SUPPLY ASSOCIATION**

The Retail Energy Supply Association (“RESA”),1 pursuant to Ohio Revised Code Section (“R.C.”) 4903.221 and Ohio Administrative Code (“Rule”) 4901-1-11, moves to intervene in the above-styled proceedings 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’ interests will be directly and substantially affected by the proposed program.

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.](http://www.resausa.org/)

RESA meets the standard for intervention and 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,

/s/ Gretchen L. Petrucci Michael J. Settineri (0073369), Counsel of Record Gretchen L. Petrucci (0046608)

Vorys, Sater, Seymour and Pease LLP 52 East Gay Street

Columbus, OH 43215

614-464-5462

614-464-5407

[mjsettineri@vorys.com](mailto:mjsettineri@vorys.com) [glpetrucci@vorys.com](mailto:glpetrucci@vorys.com)

*Counsel for the Retail Energy Supply Association*

# MEMORANDUM IN SUPPORT OF THE MOTION TO INTERVENE OF

**THE RETAIL ENERGY SUPPLY ASSOCIATION**

RESA is a broad and diverse group of retail energy suppliers who share the common vision that competitive retail energy markets deliver a more efficient, customer-oriented outcome than a regulated utility structure. Many of RESA’s members are certified as competitive retail natural gas service (“CRNGS”) providers and are active in the Ohio retail markets providing service to residential, commercial, industrial and governmental customers. In addition, RESA members provide CRNGS to customers in the service area of Duke Energy Ohio, Inc. (“Duke Energy”).

The standard for intervention at the Public Utilities Commission of Ohio (“Commission”) is governed by R.C. 4903.221 and Rule 4901-1-11. R.C. 4903.221 states that the Commission shall consider: (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; and (4) whether the prospective intervenor will significantly contribute to full development and equitable resolution of the factual issues. Rule 4901-1-11 states in part:

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.

A review of the intervention criteria in light of the following facts supports granting RESA’s intervention.

RESA satisfies all of the factors for intervention and the Commission should make RESA a full party to this proceeding. First, RESA has a real, direct and substantial interest in several

issues in these proceedings. For example, Duke Energy is proposing to increase its base distribution rates, to recover costs for implementing a customer information system that has harmed competitive suppliers’ business interests, and to modify its tariff to impose new operational requirements on suppliers. RESA seeks to ensure that authorized cost recovery and changes are just and reasonable, do not harm supplier interests or the competitive market, and comply with Ohio law. The outcome of these issues are of substantial interest to RESA and its members.

Second, RESA can contribute to a just and expeditious resolution of the issues involved. RESA has been granted intervention in multiple rate case proceedings and participated for many years in a wide variety of Commission proceedings. RESA is knowledgeable and experienced with the matters in Duke’s service territory. Third, no other party to this proceeding represents RESA’s interests. Fourth, RESA’s intervention request is timely and its intervention would not unduly delay the proceedings. For all of these reasons, 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 Michael J. Settineri (0073369), Counsel of Record Gretchen L. Petrucci (0046608)

Vorys, Sater, Seymour and Pease LLP 52 E. Gay Street

Columbus, OH 43215

614-464-5462

614-464-5407

[mjsettineri@vorys.com](mailto:mjsettineri@vorys.com) [glpetrucci@vorys.com](mailto:glpetrucci@vorys.com)

*Counsel for the Retail Energy Supply Association*

# 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 courtesy copy of the foregoing document is also being served upon the persons below via electronic mail this 28th day of November 2022.

Duke Energy Ohio, Inc. [rocco.dascenzo@duke-energy.com](mailto:rocco.dascenzo@duke-energy.com) [jeanne.kingery@duke-energy.com](mailto:jeanne.kingery@duke-energy.com) [larisa.vaysman@duke-energy.com](mailto:larisa.vaysman@duke-energy.com) [elyse.akhbari@duke-energy.com](mailto:elyse.akhbari@duke-energy.com) [ebrama@taftlaw.com](mailto:ebrama@taftlaw.com)

Interstate Gas Supply, Inc. [michael.nugent@igs.com](mailto:michael.nugent@igs.com) [evan.betterton@igs.com](mailto:evan.betterton@igs.com) [stacie.cathcart@igs.com](mailto:stacie.cathcart@igs.com)

Ohio Consumers’ Counsel [william.michael@occ.ohio.gov](mailto:william.michael@occ.ohio.gov) [ambrosia.wilson@occ.ohio.gov](mailto:ambrosia.wilson@occ.ohio.gov) [connor.semple@occ.ohio.gov](mailto:connor.semple@occ.ohio.gov)

Ohio Energy Group [mkurtz@BKLlawfirm.com](mailto:mkurtz@BKLlawfirm.com) [kboehm@BKLlawfirm.com](mailto:kboehm@BKLlawfirm.com) [jkylercohn@BKLlawfirm.com](mailto:jkylercohn@BKLlawfirm.com)

Staff of the Public Utilities Commission of Ohio [thomas.lindgren@OhioAGO.gov](mailto:thomas.lindgren@OhioAGO.gov)

[robert.eubanks@OhioAGO.gov](mailto:robert.eubanks@OhioAGO.gov) [sarah.feldkamp@OhioAGO.gov](mailto:sarah.feldkamp@OhioAGO.gov)

/s/ Gretchen L. Petrucci Gretchen L. Petrucci

5

11/28/2022 43711475

# This foregoing document was electronically filed with the Public Utilities Commission of Ohio Docketing Information System on

**11/28/2022 10:30:05 AM**

**in**

**Case No(s). 22-0507-GA-AIR, 22-0508-GA-ALT, 22-0509-GA-ATA, 22-0510-GA- AAM**

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