

ORIGINAL

IN THE SUPREME COURT OF OHIO

In the Matter of the Application of Duke Energy Ohio, Inc., for an Increase in Its Natural Gas Distribution Rates.	)	Case No. 2014-0328
	)	
In the Matter of the Application of Duke Energy Ohio, Inc., for Tariff Approval.	)	Appeal from the Public Utilities Commission of Ohio
	)	
In the Matter of the Application of Duke Energy Ohio, Inc., for Approval of an Alternative Rate Plan for Gas Distribution Service.	)	Public Utilities Commission of Ohio
	)	Case Nos. 12-1685-GA-AIR
	)	12-1686-GA-ATA
	)	12-1687-GA-ALT
	)	12-1688-GA-AAM
In the Matter of the Application of Duke Energy Ohio, Inc., for Approval to Change Accounting Methods.	)	
	)	
	)	

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MOTION FOR LEAVE TO INTERVENE AS APPELLEE  
OF DUKE ENERGY OHIO, INC.

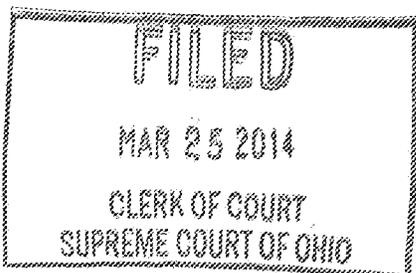
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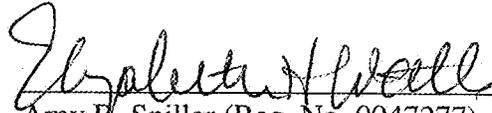
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**MOTION FOR LEAVE TO INTERVENE AS APPELLEE  
OF DUKE ENERGY OHIO, INC.**

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Duke Energy Ohio, Inc., (Duke Energy Ohio or Company) is an Ohio corporation engaged in the business of providing natural gas service to customers in southwestern Ohio, and is a public utility as defined by R. C. 4905.02 and 4905.03. Duke Energy Ohio serves incorporated communities and unincorporated territory within its entire service area, which includes all or parts of Adams, Brown, Butler, Clinton, Clermont, Hamilton, Montgomery, and Warren Counties in Ohio. Duke Energy Ohio respectfully requests that this Court grant it leave to intervene as a party appellee in the above-captioned proceeding. The reasons for this Motion are set forth in the attached Memorandum in Support.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Elizabeth H. Watts", written over a horizontal line.

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**MEMORANDUM IN SUPPORT**

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This case comes to the Court on appeal by Ohio Partners for Affordable Energy, the Office of the Ohio Consumers' Counsel, the Ohio Manufacturers' Association, and The Kroger Company (collectively, Appellants), from an Opinion and Order of the Public Utilities Commission of Ohio (Appellee or Commission), dated November 13, 2013, and an Entry on Rehearing, dated January 8, 2014. The various Appellants set forth separate but similar bases for appeal in their respective notices. Duke Energy Ohio respectfully requests that this Court grant it leave to intervene as a Intervening Appellee in this proceeding.

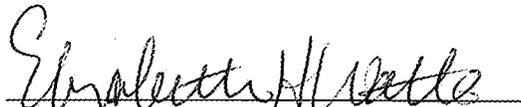
Duke Energy Ohio was the applicant in the proceeding before the Commission from which the Appellants take this appeal. In that proceeding, Duke Energy Ohio sought an increase in base rates and such other accounting and tariff authority as would be necessary to implement any rate increase granted by the Commission. The Appellee's Opinion and Order adopted and affirmed a Stipulation that was submitted by all of the parties in the proceeding below, wherein

all issues were resolved except one. That unresolved issue related to whether or not Duke Energy Ohio was entitled to recover costs for environmental investigation and remediation of former manufactured gas plant sites on utility property. A hearing was held, an Opinion and Order rendered on November 13, 2013, and the Appellants appeal therefrom.

The subject matter determined in the hearing is directly relevant to the ongoing operations and cost recovery for work undertaken by Duke Energy Ohio. As such, Duke Energy Ohio is uniquely interested in this proceeding. No other party may adequately represent Duke Energy Ohio's interests before the Court. Duke Energy Ohio's participation will not cause undue delay, nor will it unjustly prejudice any existing party, and the Company will contribute to the just and expeditious resolution of the issues raised in this appeal.

Duke Energy Ohio respectfully requests that this Court grant this motion to intervene.

Respectfully submitted,



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## PROOF OF SERVICE

I certify that Duke Energy Ohio, Inc.'s Memorandum Contra Motion for Stay was served by First-Class U.S. Mail upon counsel identified below for all parties of record this 25<sup>th</sup> day of March, 2014.

  
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