

FILE

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**BEFORE**  
**THE PUBLIC UTILITIES COMMISSION OF OHIO**

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In the Matter of the Application of Columbus )  
 Southern Power Company and Ohio Power )  
 Company for Authority to Establish a Standard )  
 Service Offer Pursuant to Section 4928.143, )  
 Revised Code, in the Form of an Electric )  
 Security Plan )

PUCO

Case No. 11-346-EL-SSO

Case No. 11-348-EL-SSO

In the Matter of the Application of Columbus )  
 Southern Power Company and Ohio Power )  
 Company for Approval of Certain Accounting )  
 Authority. )

Case No. 11-349-EL-AAM

Case No. 11-350-EL-AAM

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**MOTION TO INTERVENE OF THE CITY OF GROVE CITY, OHIO**

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The City of Grove City, Ohio ("Grove City") on behalf of itself and its residential and commercial citizens hereby moves the Public Utility Commission of Ohio ("Commission") to intervene as a full party of record in the above captioned proceedings pursuant to Ohio Revised Code ("R.C.") Section 4903.221 and Ohio Administrative Code ("OAC") Rule 4901-1-11.

As set forth in the attached Memorandum in Support, Grove City submits that it has a real and substantial interest in these proceedings, that its interests cannot be adequately represented by any other party, and that the Public Utility Commission of Ohio's ("Commission") disposition of the proceedings will impair or impede its ability to protect those interests. Grove City further submits that the legal positions and issues that it will advance are relevant to the merits of the proceedings and that it intends to contribute in a unique manner to the full development and equitable resolution of the proceedings. Finally, Grove City submits that granting this Motion will not unduly delay the proceedings or unjustly prejudice any existing party.

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For these reasons, as explained more fully herein, Grove City respectfully requests that the Commission grant its motion to intervene in the above captioned proceedings.

Respectfully Submitted,



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**MEMORANDUM IN SUPPORT OF THE MOTION TO INTERVENE OF THE CITY OF  
GROVE CITY, OHIO**

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**I. PROCEDURAL BACKGROUND**

The above captioned proceedings were initiated by Columbus Southern Power Company and Ohio Power Company (collectively “the Companies”). The Companies initiated these proceedings in order to obtain Commission review and approval of its Standard Service Offer (“SSO”) to be completed via the Electric Security Plan (“ESP”) proposed jointly by the Columbus Southern Power Company (11-346-EL-SSO) and by the Ohio Power Company (11-348-EL-SSO). The Companies conduct combined business in the state of Ohio under the trade name AEP Ohio.

By Entry dated February 2, 2011, the Commission established a procedural schedule for its consideration of the ESP requiring that adversely impacted parties file motions to intervene by March 14, 2011. Thus, Grove City’s submission of this Motion is timely.

**II. BASIS FOR INTERVENTION**

**a. Standard of Review**

R.C. section 4903.221 and OAC Rule 4901-1-11 set forth the standards pursuant to which Grove City may intervene in the above-captioned Commission proceedings. R.C. section 4903.221 confers the statutory right to intervene in a Commission proceeding to any party “who may be adversely affected by a proceeding.” Additionally, OAC Rule 4901-1-11 provides that:

Upon timely motion, any person shall be permitted to intervene in a proceeding upon a showing that: . . . [t]he 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.

Upon filing a timely motion demonstrating a real and substantial interest and upon demonstrating that the proceeding will impair or impede the ability to protect the interest, a party is entitled to an Order granting its intervention request. In determining whether a party is entitled to intervene, 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 proceeding; (4) whether the prospective intervenor will significantly contribute to full development and equitable resolution of the factual issues; and (5) the extent to which the person's interest is represented by existing parties.

*(See R.C. 4903.221(B) and OAC 4901-1-11(B)).*

**b. Grove City Has A Real And Substantial Interest In This Proceeding That Cannot Be Represented By Any Other Party, And The Disposition Of These Proceedings Will Impair Those Interests.**

Currently, Grove City utilizes electric service from the Companies to illuminate municipal traffic signals, a number of proprietary street lights, as well as to power certain municipal buildings and facilities. On an annual basis, Grove City expends in excess of Five Hundred Thousand Dollars (\$500,000.00) with the Companies on just the first two aforementioned electric uses. Additionally, Grove City uses the Companies exclusively to provide electric service to power and operate all of its municipally owned buildings and facilities. Annual expenditures for those applications are still currently being reviewed and calculated. Grove City is certain that the results of that internal review will reveal that the additional buildings and facilities electric service expenditures for those items are quite significant. Thus, Grove City is an extremely large user of the Companies' services and this

proceeding and the results thereof will have a significant impact on the cost and manner in which Grove City continues to obtain and pay for its electric service.

The above captioned proceedings will also have a real, substantial, and adverse impact on Grove City residential customers. Almost the entirety of Grove City residential customers rely upon the Companies for electric service. Similar to residents in many Ohio cities and metropolitan areas, Grove City residential customers are currently dealing with high unemployment rates and low wages. Grove City has a special interest, if not a duty, to ensure that the electricity requirements of its residents are continually served by readily available dependable electric service which is attainable at reasonable prices which are affordable to its economically challenged population.

In addition to the impact on Grove City and on residential customers, the proceedings will also have a real, substantial, and adverse impact on Grove City's commercial citizens using the Companies' electric service. Any proposed cost increases and service modifications will have an economic development and job retention impact on a local economy that cannot afford to lose current jobs or opportunities for future growth.

Electricity price and service modifications caused by the proposed SSO will impact Grove City's budget and citizens both residential and commercial. Additionally, as initially proposed, these cases may materially modify the terms and conditions under which Grove City and its residents obtain electric service in a manner favoring the interests of the Companies and to the detriment of the City and its residents.

Accordingly, Grove City will focus its participation in the proceedings on matters specifically impacting the City and its economically challenged residential citizens as well as commercial citizens. Specifically, these matters may include, among other things, the SSO's

impact on pricing, deferrals, surcharges, tariffs for economic development, special and unique rider applications, energy efficiency issues, and renewable and/or alternative energy issues that particularly impact the City and its citizens.

### III. CONCLUSION

For the reasons set forth above, Grove City respectfully requests that the Commission grant its request to intervene in the above-captioned proceedings. Grove City's intervention will not unduly prolong or delay the proceedings. In contrast, Grove City's intervention will contribute to the full development the factual issues to be resolved in the proceedings. Finally, no other party to the proceedings is capable of representing the interests of Grove City as well as its residential and commercial citizens.

Respectfully Submitted,



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## CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Motion to Intervene was served upon the parties of record listed below this 14<sup>th</sup> day of March, 2011 via first class mail and electronic mail.



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