

**UNITED STATES OF AMERICA
DEPARTMENT OF ENERGY
OFFICE OF ELECTRICITY DELIVERY AND ENERGY RELIABILITY**

International Transmission Company : Docket No. PP-230-4
d/b/a ITC Transmission :

**RESPONSE TO ITC'S ANSWER
SUBMITTED ON BEHALF OF
THE PUBLIC UTILITIES COMMISSION OF OHIO**

INTRODUCTION

On January 5, 2009, International Transmission Company (ITC) filed a request with the Department of Energy (DOE) to amend Presidential Permit PP-230-3,¹ which authorizes ITC to own and operate specified electric transmission facilities at the Bunce Creek station that interconnects ITC with Hydro One Networks Inc.'s (Hydro One) electric transmission facilities at the United States-Canada border. Under its existing permit, ITC is authorized to own and operate a 675-MVA phase angle regulator (PAR) facility installed at the Bunce Creek station. In March 2003, that PAR facility failed while in service, and ITC is seeking permission to replace it with two 700-MVA PAR facilities. On May 26, 2011, the Public Utilities Commission of Ohio (Ohio Commission) filed a motion for late intervention and comments in this proceeding.

¹ Request of International Transmission Company d/b/a ITC *Transmission To Amend Presidential Permit*, Docket No. PP-230-4 (Jan. 5, 2009).

Subsequently, on June 13, 2011, ITC filed an answer to the Ohio Commission's motion and comments. The Ohio Commission hereby submits its response to ITC's answer regarding late intervention.

DISCUSSION

In its answer, ITC argues that the Ohio Commission has merely adopted the positions taken by PJM and FirstEnergy without presenting new facts or arguments. ITC also argues that the Ohio Commission has the burden of substantiating its arguments and positions. For these reasons, ITC believes that the Ohio Commission's motion for late intervention should be denied. As stated previously in its motion for late intervention, the Ohio Commission chose to intervene in this proceeding because it has interests which may directly be affected by its outcome. The Ohio Commission is the regulator for the electric industry in the State of Ohio and it must balance the needs of multiple stakeholders to assure adequacy, retail reliability, and affordability of power supplies. It also has a responsibility to oversee forecasting and planning efforts in the industry. As a result, any activity that has the potential to affect the cost of electricity or its reliability will affect the activities of this agency. The amendment of Presidential Permit PP-230-3 has such potential and consequently is the reason the Ohio Commission filed its motion to intervene.

The Ohio Commission contends that ITC failed to take into account relevant factors regarding late intervention within their arguments. ITC chose to focus on whether the Ohio Commission can substantiate its unique position regarding offshore wind facilities located on Lake Erie. However, that is not the standard for a late motion to

intervene. Unlike ITC, the Ohio Commission focused on relevant factors beyond its unique position that are generally considered for late intervention. Some of the factors considered by the Ohio Commission included: (1) whether the movant had an interest in the outcome of the proceeding, (2) whether such intervention would disrupt the proceedings, (3) whether movant's interest is not adequately represented by other parties, and (4) whether the existing parties will be prejudiced or burdened by permitting this intervention amongst other things.² Here, the operating protocols at issue have not even been filed nor has the DOE made any determinations yet, therefore, it is hard to understand how such intervention would disrupt the proceedings. Furthermore, although the Ohio Commission does agree with some positions taken by other parties, it still is not adequately accounted for by other parties as to representing the State of Ohio's consumers who, potentially, will be impacted by the results of this proceeding. Last, the grant of the pending motion will not be a basis for delay considering that all parties and potential intervening parties are still awaiting the filing of the operating protocols.

² See 18 C.F.R. §385.214(d) (2011).

CONCLUSION

The Ohio Commission believes that it carefully took into consideration the appropriate factors before moving for late intervention. The Ohio Commission finds ITC's arguments to be dismissive and shortsighted as to the potential impact this proceeding may have on Ohio and its consumers, and thus respectfully asks the DOE to grant its motion for late intervention.

Respectfully submitted,

/s/ Thomas W. McNamee

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**Attorney for the
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CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing Response to ITC's Answer submitted on behalf of the Public Utilities Commission of Ohio to all parties of record in this proceeding.

/s/ Thomas W. McNamee

Thomas W. McNamee

Dated at Columbus, Ohio this 6^h day of July, 2011.

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Case No(s). 93-7000-EL-FAD

Summary: Reply Memorandum to ITC's Answer submitted on July 6, 2011, on behalf of the Public Utilities Commission of Ohio by Thomas McNamee, to the U.S. Department of Energy, Office of Electricity Delivery and Energy Reliability, Docket No. PP-230-4, In re International Transmission Company dba ITCTransmission electronically filed by Kimberly L Keeton on behalf of Public Utilities Commission of Ohio