

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Commission Review of the)
Capacity Charges of Ohio Power Company) Case No. 10-2929-EL-UNC
and Columbus Southern Power Company.)

**THE ASSOCIATION OF INDEPENDENT COLLEGES AND UNIVERSITIES OF
OHIO'S MOTION TO INTERVENE**

The Association of Independent Colleges and Universities of Ohio ("AICUO") hereby moves the Public Utilities Commission of Ohio ("Commission") to intervene as a full party of record in the above captioned proceedings pursuant to Ohio Revised Code ("R.C.") § 4903.221 and Ohio Administrative Code ("O.A.C") Rule 4901-1-11. The AICUO's interests in this proceeding and the reasons supporting this Motion are set forth in the attached Memorandum in Support.

Respectfully Submitted,



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MEMORANDUM IN SUPPORT

I. Argument

AICUO respectfully submits that it is entitled to intervene in these proceedings. R.C. § 4903.221 confers the statutory right to intervene in a Commission proceeding to any party "who may be adversely affected by a proceeding." Additionally, O.A.C Rule 4901-1-11 provides that:

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.

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

AICUO has a real and substantial interest in these proceedings as it seeks to protect its member institutions from potentially increased capacity costs. AICUO has been, and continues to be a participant in the 11-346-SSO case, and the two cases are inextricably intertwined in the context of electricity expenditures that will be experienced by the AICUO's member institutions. Furthermore, the AICUO seeks to intervene in order to ensure that its member institutions will be given the opportunity to acquire electricity on the competitive market.

AICUO's Motion is timely, as the Commission designated March 30, 2012 as the deadline to file motions to intervene, and AICUO's interests are not represented by any existing party as only AICUO can protect its member institutions in this case. AICUO will contribute significantly to the full development and equitable resolution of the factual issues in this case, as it is the only collegiate association to have intervened, and AICUO has never unduly prolonged a proceeding before this Commission.

II. Conclusion

For the reasons set forth above, the AICUO respectfully requests that the Commission grant its request to intervene in the above-captioned proceedings.

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 30th day of March, 2012, via electronic mail.



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Summary: Motion to Intervene electronically filed by Mr. Asim Z. Haque on behalf of The Association of Independent Colleges and Universities of Ohio