

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

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|--|---|-------------------------------|
| In the Matter of the Commission's Review of |) | |
| Time-Differentiated and Dynamic Pricing |) | Case No: 12-150-EL-COI |
| Options for Retail Electric Services. |) | |
| |) | |
| |) | |

**MOTION TO INTERVENE BY
THE CONSUMER ELECTRONICS ASSOCIATION**

The Consumer Electronics Association ("CEA") hereby moves to intervene in the captioned proceeding involving the pricing options for retail electric customers in Ohio.¹ CEA files on behalf of its approximately 2,000 member companies which include leading manufacturers and providers of consumer- and utility-facing smart grid products and services. The reasons the Public Utilities Commission of Ohio should grant CEA's Motion are set forth in the attached Memorandum in Support.

Respectfully submitted,

Consumer Electronics Association

By: /s/ Brian Markwalter

Michael Petricone,
Senior Vice President, Governmental Affairs

Brian Markwalter,
Senior Vice President, Research and Standards
Consumer Electronics Association
1919 South Eads Street
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April 11, 2012

¹ R.C. 4903.221.

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MEMORANDUM IN SUPPORT

On January 11, 2012, the Public Utilities Commission of Ohio ("Commission") opened an investigation "seeking to provide consumers with additional tools to manage their electricity bills, improve utility asset utilization, and enhance the reliability and resilience of the power system."¹ CEA is the principal U.S. trade association of the consumer electronics and information technology industries and represents approximately 2,000 member companies which include leading manufacturers and providers of consumer- and utility-facing smart grid products and services.

Under Ohio law, any person "who may be adversely affected" by a Commission proceeding is entitled to seek intervention in that proceeding.² The interests of CEA's member companies may be "adversely affected" by this case, especially if their interests were unrepresented, because the Commission is evaluating policies that will impact the deployment of the smart grid products and services they offer to permit consumers to manage their electricity consumption. The Ohio Supreme Court has held that intervention in Commission proceedings "ought to be liberally allowed so that the positions of all persons with a real and substantial interest in the proceedings can be considered."³

Statutory Intervention Criteria are Satisfied

In evaluating motions to intervene, the Commission is required to consider the following criteria:

- (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;

¹ Entry, Case No: 12-150-EL-COI at 2 (Jan. 11, 2012).

² R.C. 4903.221.

³ *Ohio Consumers' Counsel v. Pub. Util. Comm'n of Ohio*, 11 Ohio St. 3d 384, 388 (2006).

- (3) Whether the intervention by the prospective intervenor will unduly prolong or delay the proceeding; and
- (4) Whether the prospective intervenor will significantly contribute to the full development and equitable resolution of the factual issues.⁴

First, the nature and extent of CEA's interest is representing its member companies in this case that involves providing consumers with additional tools to manage their electricity bills, improving utility asset utilization, and enhancing the reliability and resilience of the power system. CEA's members provide the products and services necessary to achieve the objectives of the proceeding.

Second, CEA's advocacy will include advancing the position that a dynamic rate structure is essential to achieve the full benefits of the smart grid. Absent dynamic pricing, consumers have little economic incentive to reduce or shift their consumption and, therefore, see little value in home energy management solutions. CEA's position thus is directly related to the merits of this proceeding.

Third, CEA's intervention will not unduly prolong or delay the proceedings. CEA has participated in a wide variety of similar proceedings in other states and at the federal level. In none of these proceedings has CEA's participation created undue delay.

Fourth, CEA's intervention will significantly contribute to the full development and equitable resolution of the factual issues. CEA has evaluated evidence from a wide variety of smart grid projects that is directly relevant to the Commission's current investigation.

Regulatory Intervention Criteria are Satisfied

CEA also satisfies the intervention criteria in the Ohio Administrative Code (which are subordinate to the criteria set forth in R.C. 4903.221). To intervene under Ohio Adm. Code 4901-1-11(A)(2), a party should have a "real and substantial interest." As the principal U.S. trade association of the consumer electronics and information technology industries representing leading manufacturers and providers of consumer- and utility-facing smart grid products and services, CEA has a very real and substantial interest in this case where the tools available to manage consumer energy usage is a key issue.

In addition, CEA meets the criteria of Ohio Adm. Code 4901-1-11(B)(1)-(4) which mirror the statutory criteria in R.C. 4903.221(B) addressed above.

Ohio Adm. Code 4901-1-11(B)(5) states that the Commission shall consider the "extent to which the person's interest is represented by existing parties." CEA satisfies this criterion in that it is the trade association representing approximately 2,000 companies offering products and services available to Ohio companies and consumers. No other entity in this proceeding represents the same broad interest.

⁴ R.C. 4903.221(B).

In sum, CEA meets the criteria set forth in R.C. 4903.221 and Ohio Adm. Code 4901-1-11. Accordingly, the Commission should grant CEA's Motion to Intervene.

Respectfully submitted,

Consumer Electronics Association

By: /s/ Brian Markwalter

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April 11, 2012

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing *Motion to Intervene* and accompanying *Memorandum in Support* have been electronically filed with the Public Utilities Commission of Ohio Docketing Information System, in case number 12-0150-EL-COI entitled "The Commission's Investigation of Dynamic Pricing Options for Retail Electricity Services" and has been served upon the following parties via electronic mail to those parties that have agreed to be automatically served via electronic mail or via first class mail for remaining parties.

CASE NUMBER: 12-0150-EL-COI
CASE DESCRIPTION: THE COMMISSIONS INVESTIGATION OF DYNAMIC PRICING OPTIONS FOR RETAIL ELECTRIC SERVICES
DOCUMENT SIGNED ON: 4/11/2012
DATE OF SERVICE: 4/11/2012

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*Indicates that filer has agreed to be automatically served via electronic mail.

Executed on April 11, 2012 at Denver, Colorado.

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Commission of Ohio Docketing Information System on

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in

Case No(s). 12-0150-EL-COI

Summary: Motion Motion to Intervene by the Consumer Electronics Association electronically filed by Mr. Eric D Gunning on behalf of Consumer Electronics Association