

BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of Ohio Power Company and Columbus Southern Power Company for Authority to Merge and Related Approvals.)	Case No. 10-2376-EL-UNC
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.)	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
In the Matter of the Application of Columbus Southern Power Company and Ohio Power Company to Amend Their Emergency Curtailment Service Riders.)	Case No. 10-343-EL-ATA Case No. 10-344-EL-ATA
In the Matter of the Commission Review of the Capacity Charges of Ohio Power Company and Columbus Southern Power Company)	Case No. 10-2929-EL-UNC
In the Matter of the Application of Columbus Southern Power Company and Ohio Power Company for Approval of Mechanisms to Recover Deferred Fuel Costs Ordered Under Section 4928.144, Revised Code.)	Case No. 11-4920-EL-RDR Case No. 11-4921-EL-RDR

**MOTION TO INTERVENE OF
SUMMIT ETHANOL, LLC d/b/a POET Biorefining-Leipsic and
FOSTORIA ETHANOL, LLC d/b/a POET Biorefining-Fostoria
WITH ATTACHED MEMORANDUM IN SUPPORT**

SUMMIT ETHANOL, LLC d/b/a POET-Biorefining-Leipsic ("Summit") and FOSTORIA ETHANOL, LLC d/b/a POET Biorefining-Fostoria ("Fostoria"), hereby move that the Public Utilities Commission of Ohio grant then intervention in the above-captioned case. The basis for this Motion to Intervene is set forth in the attached Memorandum in Support.

Respectfully submitted,



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MEMORANDUM IN SUPPORT

On January 27, 2011, Ohio Power Company and Columbus Southern Power Company ("AEP-Ohio") filed applications for authority to establish a Standard Service Offer ("SSO") pursuant to Section 4928.143 of the Ohio Revised Code, in the form of an Electric Security Plan ("ESP"). On December 14, 2011, the Public Utilities Commission of Ohio ("PUCO" or "Commission") issued an Opinion and Order approving a stipulation resolving these proceedings and including PUCO Case No. 10-2929-EL-UNC concerning AEP's capacity charges ("Capacity Charge Case"). However, on February 23, 2012, the PUCO rejected the stipulation in an Entry

on Rehearing. That Entry on Rehearing instructed the attorney examiners to establish a new procedural schedule, including a new intervention deadline, to enable interested persons who had not previously participated in these proceedings to intervene.

By Entry dated March 7, 2012, the Commission ordered the attorney examiners to establish an independent procedural schedule in the Capacity Charge Case. Also on March 7, 2012, AEP-Ohio notified the Commission that it would file a modified application for authority to establish an SSO pursuant to R.C. 4928.143 in the form of an ESP. No procedural schedule for the continuation of the SSO proceedings has been issued.

On March 30, 2012, AEP-Ohio filed a Modified Electric Security Plan (“M-ESP”) with the Commission. Pursuant to that M-ESP, business customers would see an increase in their electric rates of between 3 and 5 percent on average. On April 2, 2012, the PUCO set April 20, 2012 as the deadline for interested parties to intervene in this proceeding.

Pursuant to R.C. 4903.221 and O.A.C. section 4901-1-11, Summit Ethanol, LLC d/b/a POET Biorefining-Leipsic (“Summit”) and Fostoria Ethanol, LLC d/b/a POET Biorefining-Fostoria (“Fostoria”) move for intervention in the above-captioned case as a party of record. The standards for granting intervention are found in R.C. 4903.221. That section provides:

“Any . . . person who may be adversely affected by a public utilities commission proceeding may intervene in such a proceeding provided: . . . that such other person files a motion to intervene with the Commission.”

That statute goes on to state:

“The commission, in ruling upon applications to intervene in its own proceedings shall consider the following criteria:

- (1) The nature and extent of the 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 proceedings.
- (4) Whether the prospective intervenor will significantly contribute to full development and equitable resolution of the factual issues.”

R.C. 4903.221(B).

Summit and Fostoria are two of Ohio’s six operational ethanol plants. Ohio’s ethanol industry is vital to the energy needs of the state and the country. Last year, 478 million gallons of ethanol were produced in the State of Ohio accounting for \$900 million in sales and \$600 million spent at local businesses. There are approximately 6,000 farmers, supplying 165 million bushels of corn to the Ohio ethanol industry.¹ This industry employs many Ohioans.

Summit and Fostoria have an interest in this proceeding given their status as large Ohio manufacturer-employers that will be impacted by the rate increase proposed by AEP-Ohio. AEP-Ohio’s March 30, 2012 Modified ESP will result in large increases in electric rates to Ohio’s manufacturers including Summit and Fostoria. The proposed ESP would amount to an annual increase to these plants of at least 3% -5% and perhaps more.

Summit and Fostoria intend to advance a legal position designed to assure that AEP-Ohio’s request is analyzed under the proper law and to help the Commission determine whether the requested relief is necessary, proper and lawful. Summit and Fostoria have an interest in assuring that any increase that they are asked to absorb is just and reasonable.

Summit’s and Fostoria’s intervention in this proceeding will not unduly prolong these proceedings. Summit and Fostoria have timely filed this Motion to Intervene in compliance with the deadline for intervention established by the Commission of April 20, 2012. Summit and

¹ Ohio Ethanol Producer’s Assoc. website: www.ohethanol.com.

Fostoria will present to the Commission information which will significantly contribute to the full development of the legal and factual issues in this case.

For the foregoing reasons, Summit Ethanol, LLC and Fostoria Ethanol, LLC respectfully requests that they be granted intervention in the captioned proceeding.

Respectfully submitted,



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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of the foregoing Motion to Intervene of Summit Ethanol, LLC and Fostoria, Ethanol LLC with Attached Memorandum in Support was served via U.S. Mail this 20 day of April, 2012, on the persons listed on the attached Service List.



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Summary: Motion to Intervene of Summit Ethanol, LLC d/b/a Biorefining-Leipsic and Fostoria Ethanol, LLC d/b/a/ Biorefining-Fostoria with Attached Memorandum In Support electronically filed by Mr. David J Michalski on behalf of Summit Ethanol, LLC and Fostoria Ethanol, LLC