

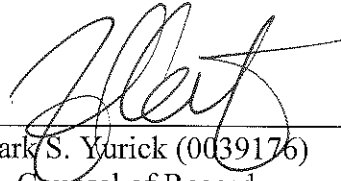
**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Ohio	:	
Power Company to Establish Initial Storm	:	Case No. 12-3255-EL-RDR
Damage Recovery Rider Rates.	:	

THE KROGER COMPANY'S MOTION TO INTERVENE

Pursuant to O.R.C. § 4903.221 and O.A.C. § 4901-1-11, The Kroger Company ("Kroger") moves the Public Utilities Commission of Ohio ("Commission") for leave to intervene in the above-captioned proceeding. Kroger'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

Kroger respectfully requests leave to intervene in these proceedings because Kroger has a real and substantial interest in the proceedings, the disposition of which may impair or impede Kroger's ability to protect that interest. For purposes of considering requests for leave to intervene in a Commission proceeding, the Ohio Administrative Code 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.

O.A.C § 4901-1-11(A).

Further, R.C. § 4903.221(B) and OAC 4901-1-11(B) provide that the Commission, in ruling upon applications to intervene in its proceedings, shall consider the following criteria:

(1) The nature and extent of the prospective intervener's interest; (2) The legal position advanced by the prospective intervener and its probable relation to the merits of the case; (3) Whether the intervention by the prospective intervener will unduly prolong or delay the proceedings; (4) Whether the prospective intervener will significantly contribute to full development and equitable resolution of the factual issues.

On December 21, 2012, Ohio Power Company d/b/a AEP Ohio ("AEP Ohio") filed its application to establish its Storm Damage Recovery Rider. Specifically, AEP Ohio seeks to recover \$61.8 million in costs incurred as a result of three storms that caused damage to AEP Ohio's systems during the summer of 2012.

Kroger is one of the largest grocers in the United States and has numerous facilities served by AEP Ohio that consume significant amounts of electric service. The Storm Damage Recovery Rider will have a significant impact on the price of Kroger's electric service. Kroger

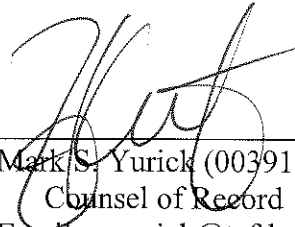
will be substantially impacted by the outcome of this proceeding. Accordingly, Kroger has direct, real, and substantial interests in this proceeding.

Kroger's intervention will not unduly delay this proceeding. Further, Kroger is regularly and actively involved in Commission proceedings, and as in previous proceedings, Kroger's unique knowledge and perspective will contribute to the equitable and expeditious resolution of this proceeding. Kroger is so situated that without Kroger's ability to fully participate in this proceeding, Kroger's substantial interest will be prejudiced. Inasmuch as others participating in this proceeding cannot adequately protect Kroger's interests, it would be inappropriate to determine this proceeding without Kroger's participation.

III. CONCLUSION

For the reasons set forth above, Kroger respectfully requests the Commission grant this Motion to Intervene.

Respectfully submitted,



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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing *The Kroger Co. 's Motion to Intervene and Memorandum in Support* was served this 14th day of January, 2013 via electronic mail or U.S. regular mail, postage prepaid upon the following:

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Case No(s). 12-3255-EL-RDR

Summary: Motion The Kroger Company's Motion to Intervene electronically filed by Mr. Zachary D. Kravitz on behalf of The Kroger Co.