

FILE

BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of Ohio)
Power Company to Amend Its Supplier) Case No. 13-729-EL-ATA
Coordination Tariff and Related Contracts.)

INDUSTRIAL ENERGY USERS-OHIO'S
MOTION TO INTERVENE AND MEMORANDUM IN SUPPORT

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JULY 8, 2013

ATTORNEYS FOR INDUSTRIAL ENERGY USERS-
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MOTION TO INTERVENE

Industrial Energy Users-Ohio ("IEU-Ohio") hereby respectfully moves the Public Utilities Commission of Ohio ("Commission"), pursuant to Section 4903.221, Revised Code, and Rule 4901-1-11, Ohio Administrative Code, for leave to intervene in the above-captioned matter with the full powers and rights granted by the Commission, specifically by statute or by the provisions of the Ohio Administrative Code, to intervening parties.

On March 22, 2013, Ohio Power Company ("AEP-Ohio") filed an application to Amend its Electric Generation Supplier Tariff and Related Contracts.¹ AEP-Ohio's Application affects the terms and conditions of service of customers acting as their own load serving entity ("LSE") and competitive retail electric service ("CRES") providers that are providing generation service to AEP-Ohio's distribution service customers. Thus, AEP-Ohio's Application will affect the ability of CRES providers to provide generation service to IEU-Ohio members in AEP-Ohio's service territory that have exercised their statutory customer choice rights.

AEP-Ohio's Application also affects how AEP-Ohio establishes capacity obligations and energy usage for customers that receive generation service from a

¹ Hereinafter referred to as the Application and the Supplier Tariff.

CRES provider. These calculations will affect the ultimate price that shopping and non-shopping customers pay for electricity.

The Commission has directed AEP-Ohio to modify its accounting procedures to defer the difference between the adjusted reliability pricing model ("RPM") rate currently in effect and the Commission-determined \$188.88 per megawatt-day ("MW-day") price. The difference in the price of capacity must be multiplied by the quality of capacity associated with customers receiving service from CRES providers (the capacity obligation) in order to establish the proper level of deferred revenue. In the Opinion and Order authorizing AEP-Ohio's electric security plan ("ESP"), the Commission authorized AEP-Ohio to establish the non-bypassable Retail Stability Rider ("RSR") and authorized AEP-Ohio to begin collecting a portion (\$1 per megawatt hour) of the deferred capacity revenue through the RSR. Therefore, AEP-Ohio's Application may affect the revenue AEP-Ohio collects from all customers through a non-bypassable charge.²

Moreover, the manner in which AEP-Ohio calculates a customers' capacity obligation may affect the amount of capacity that a demand response customer may bid into PJM Interconnection LLC's RPM auctions.

Additionally, AEP-Ohio's Application may affect the relief available to a customer in the event that AEP-Ohio negligently operates its distribution system.

As demonstrated further in the Memorandum in Support attached hereto and incorporated herein, IEU-Ohio has a direct, real, and substantial interest in the issues and matters involved in the above-captioned proceeding, and is so situated that the disposition of this proceeding may, as a practical matter, impair or impede its ability to

² *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 4928.143, Ohio Rev. Code, in the Form of an Electric Security Plan*, Case Nos. 11-346-EL-SSO, *et al.*, Opinion and Order at 52 (Aug. 8, 2012).

protect that interest. IEU-Ohio believes that its participation will not unduly prolong or delay this proceeding and that it will significantly contribute to the full development and equitable resolution of the factual and other issues in the proceeding. The interests of IEU-Ohio will not be adequately represented by other parties to the proceeding and, as such, IEU-Ohio is entitled to intervene with the full powers and rights granted by the Commission, specifically by statute and by the provisions of the Ohio Administrative Code, to intervening parties.

Respectfully submitted,



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MEMORANDUM IN SUPPORT

I. MEMORANDUM IN SUPPORT

In support of this Motion to Intervene, IEU-Ohio states that it is an association of ultimate customers. A current listing of IEU-Ohio member companies is available on IEU-Ohio's website at http://www.ieu-ohio.org/member_list.aspx. IEU-Ohio's members obtain substantial amounts of electric and related services from Ohio's electric distribution utilities ("EDU") and AEP-Ohio in particular.

IEU-Ohio's members work together to address matters that affect the availability and price of utility services. Additionally, IEU-Ohio seeks to promote customer-driven policies that will assure an adequate, reliable, and efficient supply of energy for all consumers at competitive prices.

IEU-Ohio has a real and substantial interest inasmuch as this proceeding may directly or indirectly impact the provision of electric service to IEU-Ohio members' manufacturing facilities. Specifically, IEU-Ohio's direct interest in this proceeding is the result of the effect that this proceeding shall have upon the price, adequacy, and reliability of the electric supply and related services within Ohio.

II. CONCLUSION

For the reasons stated herein, IEU-Ohio requests that the Commission grant IEU-Ohio's Motion to Intervene.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing *Industrial Energy Users-Ohio's Motion to Intervene and Memorandum in Support* was served upon the following parties of record this 8th day of July 2013, via electronic transmission, hand-delivery or first class U.S. mail, postage prepaid.


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