

**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Ohio	)	
Power Company for Authority to	)	
Establish a Standard Service Offer	)	Case No. 13-2385-EL-SSO
Pursuant to §4928.143, Ohio Rev. Code,	)	
in the Form of an Electric Security Plan.	)	

In the Matter of the Application of Ohio	)	
Power Company for Approval of Certain	)	Case No. 13-2386-EL-AAM
Accounting Authority.	)	

---

**MOTION TO INTERVENE**

**BY**

**DUKE ENERGY RETAIL SALES, LLC**

---

Now comes Duke Energy Retail Sales, LLC, (Duke Energy Retail) and moves to intervene, as a full party of record, in the above-captioned proceedings, pursuant to R.C. 4903.221 and O.A.C. 4901-1-11. The issues in this proceeding relate to the Commission's review of a proposed standard service offer by Ohio Power Company (AEP Ohio). The resolution of issues in this proceeding will directly impact the ability of suppliers to compete in the retail market. Duke Energy Retail, as a certified retail electric service provider, therefore has a real and substantial interest in this proceeding that is not adequately represented by existing parties.

Wherefore, for the reasons more fully set forth in the attached memorandum in support, Duke Energy Retail respectfully requests that the Commission grant this motion to intervene.

Respectfully submitted,

DUKE ENERGY RETAIL SALES, LLC

/s/ Philip B. Sineneng

Philip B. Sineneng  
THOMPSON HINE LLP  
41 South High Street, Suite 1700  
Columbus, Ohio 43215  
Tel: (614) 469-3200  
Fax: (614) 469-3361  
[Philip.Sineneng@ThompsonHine.com](mailto:Philip.Sineneng@ThompsonHine.com)

### **Memorandum in Support**

R.C. 4928.141 requires each electric utility, such as Ohio Power Company (AEP Ohio), to provide a standard service offer (SSO) “of all competitive retail electric services necessary to maintain essential electric service to consumers, including a firm supply of electric generation service.” AEP currently provides that SSO in the form of an electric security plan (ESP), approved under R.C. 4928.143. The current ESP will terminate on May 31, 2015.<sup>1</sup> On December 20, 2013, in the above-captioned proceedings, AEP filed its application for a new ESP, to become effective on June 1, 2015.

R.C. 4903.221(B) sets forth several criteria that the Commission is required to consider in ruling on applications to intervene. Those criteria are listed as follows:

- (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 proceedings; and
- (4) Whether the prospective intervenor will significantly contribute to full development and equitable resolution of the factual issues.

The Commission has, itself, added additional detail to the intervention requirements through the promulgation of O.A.C. 4901-1-11. That rule, in section (A), requires that the Commission allow intervention by a person who has a “real and substantial interest in the proceeding” and who “is so situated that the disposition of the proceeding may . . . impair or impede [its] ability to protect that interest, unless the person’s interest is adequately represented by existing parties.” The rule goes on to list several factors that the Commission is required to consider in determining whether a potential intervenor meets that standard:

---

<sup>1</sup> *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, *et al.* (Opinion and Order, August 8, 2012).

- (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 proceedings;
- (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.

Duke Energy Retail is a competitive retail electric services provider, certified to provide retail services in AEP Ohio's territory. Indeed, Duke Energy Retail is providing both nonresidential and residential services in AEP Ohio's certified territory at this time. It is critical to the ongoing business of Duke Energy Retail that it be able to compete successfully for business in this area. The utility-offered rate for electric generation services, against which its prices will be compared, are to be set through mechanisms that are proposed in the application in these proceedings. Furthermore, the application includes other proposals that would impact CRES providers, such as a purchase of accounts receivable program. Thus, intervention is important to Duke Energy Retail's ability to protect its business interests.

The Commission ordered a technical conference to be held on January 8, 2014. As no deadline for intervention has yet been determined in this case, intervention by Duke Energy Retail will not unduly prolong or delay this proceeding. Duke Energy Retail's intervention will significantly contribute to the full development and equitable resolution of the factual issues, based on its experience in the marketplace and understanding of competitive needs in general. Its interests are not represented by existing parties.

Duke Energy Retail therefore respectfully requests that the Commission grant its motion to intervene and that it be made a full party of record.

Respectfully submitted,

DUKE ENERGY RETAIL SERVICES, LLC

/s/ Philip B. Sineneng

Philip B. Sineneng  
THOMPSON HINE LLP  
41 South High Street, Suite 1700  
Columbus, Ohio 43215  
Tel: (614) 469-3200  
Fax: (614) 469-3361  
[Philip.Sineneng@ThompsonHine.com](mailto:Philip.Sineneng@ThompsonHine.com)

## CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of the foregoing document was served this 7th day of January, 2014, by electronic transmission or U.S. mail, postage prepaid, upon the persons listed below.

/s/ Philip B. Sineneng  
Philip B. Sineneng

<p>Steven T. Nourse Matthew J. Satterwhite American Electric Power Service Corporation 1 Riverside Plaza, 29th Floor Columbus, OH 43215 <a href="mailto:stnourse@aep.com">stnourse@aep.com</a> <a href="mailto:mjsatterwhite@aep.com">mjsatterwhite@aep.com</a></p> <p>Daniel R. Conway Porter Wright Morris &amp; Arthur Huntington Center 41 South High Street Columbus, Ohio 43215 <a href="mailto:dconway@porterwright.com">dconway@porterwright.com</a></p> <p>Counsel for Ohio Power Company</p>	<p>William Wright Attorney General's Office Public Utilities Commission of Ohio 180 E. Broad St., 6th Fl. Columbus, OH 43215 <a href="mailto:William.wright@puc.state.oh.us">William.wright@puc.state.oh.us</a></p> <p>Counsel for Staff of the Commission</p> <p>Maureen R. Grady Office of the Ohio Consumers' Counsel 10 W. Broad Street 18<sup>th</sup> Floor Columbus, Ohio 43215 <a href="mailto:grady@occ.state.oh.us">grady@occ.state.oh.us</a></p> <p>Counsel for Residential Customers</p>
<p>Samuel C. Randazzo Frank P. Darr Joseph E. Olier Mathew R. Pritchard McNees Wallace &amp; Nurick LLC 21 East State Street, 17<sup>th</sup> Floor Columbus, OH 43215 <a href="mailto:sam@mwncmh.com">sam@mwncmh.com</a> <a href="mailto:fdarr@mwncmh.com">fdarr@mwncmh.com</a> <a href="mailto:joliker@mwncmh.com">joliker@mwncmh.com</a> <a href="mailto:mpritchard@mwncmh.com">mpritchard@mwncmh.com</a></p> <p>Counsel for Industrial Energy Users-Ohio</p>	<p>Barth E. Royer Bell &amp; Royer Co., LPA 33 South Grant Avenue Columbus, OH <a href="mailto:BarthRoyer@aol.com">BarthRoyer@aol.com</a></p> <p>Gary A. Jeffries Dominion Resources Services, Inc. 501 Martindale Street, Suite 400 Pittsburgh, PA 15212 <a href="mailto:Gary.A.Jeffries@dom.com">Gary.A.Jeffries@dom.com</a></p> <p>Counsel for Dominion Retail, Inc. d/b/a Dominion Energy Solutions</p>

David F. Boehm Michael L. Kurtz Jody Kyler Cohn Boehm, Kurtz & Lowry 36 East Seventh Street, Suite 1510 Cincinnati, OH 45202 <a href="mailto:dboehm@BKLawfirm.com">dboehm@BKLawfirm.com</a> <a href="mailto:mkurtz@BKLawfirm.com">mkurtz@BKLawfirm.com</a> <a href="mailto:jkylercohn@BKLawfirm.com">jkylercohn@BKLawfirm.com</a>  Counsel for The Ohio Energy Group	Rocco O. D'Ascenzo Duke Energy Ohio 139 East Fourth Street 1303-Main Cincinnati, Ohio 45202 <a href="mailto:Rocco.D'Ascenzo@duke-energy.com">Rocco.D'Ascenzo@duke-energy.com</a>  Counsel for Duke Energy Ohio, Inc.
--	---

**This foregoing document was electronically filed with the Public Utilities**

**Commission of Ohio Docketing Information System on**

**1/7/2014 1:44:11 PM**

**in**

**Case No(s). 13-2385-EL-SSO, 13-2386-EL-AAM**

Summary: Motion to Intervene by Duke Energy Retail Sales, LLC electronically filed by Mr. Philip B Sineneng on behalf of Duke Energy Retail Sales, LLC