

**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, Revised Code,)	
in the Form of an Electric Security Plan.)	

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

**INDUSTRIAL ENERGY USERS-OHIO'S
MEMORANDUM CONTRA
PAULDING WIND FARM II LLC'S
MOTION TO INTERVENE**

Samuel C. Randazzo (Counsel of Record)
Joseph E. Olikar
Frank P. Darr
Matthew R. Pritchard
MCNEES WALLACE & NURICK LLC
21 East State Street, 17TH Floor
Columbus, OH 43215
Telephone: (614) 469-8000
Telecopier: (614) 469-4653
sam@mwncmh.com
joliker@mwncmh.com
fdarr@mwncmh.com
mpritchard@mwncmh.com

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Attorneys for Industrial Energy Users-Ohio

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Pursuant to Rule 4901-1-12, Ohio Administrative Code ("O.A.C."), Industrial Energy Users-Ohio ("IEU-Ohio") hereby files its Memorandum Contra to the Motion to Intervene filed by Paulding Wind Farm II LLC ("Paulding") in the above-captioned matters on March 7, 2014. As discussed in additional detail below, Paulding fails to meet the requirements for intervention under Section 4903.221, Revised Code, and Rule 4901-1-11(B), O.A.C. Therefore, the Public Utilities Commission of Ohio ("Commission") should deny Paulding's Motion to Intervene. Alternatively, if the Commission does not deny Paulding's Motion to Intervene, it should only grant Paulding limited intervention pursuant to Rule 4901-1-11(D), O.A.C.

I. STANDARD OF REVIEW

Section 4903.221, Revised Code, provides that the Commission shall consider the following four criteria in ruling upon motions to intervene:

- (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.

Rule 4901-1-11(B)(5), O.A.C., also specifies that the Commission will consider “[t]he extent to which the person's interest is represented by existing parties” when deciding whether to grant intervention.

II. ARGUMENT

In its Motion to Intervene, Paulding states that its only interest in this case is “in ensuring the operation of Rider AER, as proposed by AEP Ohio in its filing.”¹ Paulding states that it supplies Ohio Power Company (“AEP-Ohio”) with renewable energy resources, which AEP-Ohio in turn recovers through the Alternative Energy Rider (“AER”).² As discussed below, Paulding’s interest in the continuation of the AER is already adequately represented in this case and therefore Paulding will not significantly contribute to the full development and equitable resolution of the factual issues in the proceeding.

A. Paulding’s interest in continuation of the AER is already adequately represented by AEP-Ohio

AEP-Ohio has a significant interest in the continuation of the AER. Section 4928.64, Revised Code, requires AEP-Ohio to secure a portion of the standard service offer (“SSO”) supply through alternative energy resources. The AER allows AEP-Ohio to recover the costs of securing the alternative energy resources. Thus, AEP-Ohio is

¹ Paulding’s Motion to Intervene at 2.

² *Id.*

significantly interested in the continuation of this rider as indicated by its request in its application to continue the AER, without modification.³ Thus, Paulding's interest in the continuation of the AER is already adequately represented by other parties to the proceeding.

B. Paulding's intervention will not significantly contribute to the full development and equitable resolution of the factual issues

As discussed above, because Paulding's sole interest is already adequately represented, Paulding's intervention will not significantly contribute to the full development and equitable resolution of this proceeding. Additionally, in AEP-Ohio's last electric security plan ("ESP") proceeding, there was no opposition to the continuation of AEP-Ohio's AER.⁴ Thus, because AEP-Ohio is already advocating for the same result as Paulding, and because it is unlikely to be a challenged issue, Paulding's intervention in this proceeding will not significantly contribute to the full development and equitable resolution of the proceeding.

C. If the Commission grants Paulding intervention, it should only be done on a limited basis

If the Commission grants Paulding's Motion to Intervene, it should only be done on a limited basis to ensure that Paulding's participation does not unduly delay the proceeding. Rule 4901-1-11(D)(1), O.A.C., states that the Commission, or an attorney examiner may:

Grant limited intervention, which permits a person to participate with respect to one or more specific issues, if the person has no real and substantial interest with respect to the remaining issues or the person's

³ Direct Testimony of Andrea Moore at 3-4.

⁴ *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 Nos. 11-346-EL-SSO, *et al.*, Opinion and Order at 18 (Aug. 8, 2012).

interest with respect to the remaining issues is adequately represented by existing parties.

As discussed above, Paulding's interest in the continuation of the AER is already adequately represented by AEP-Ohio. Accordingly, Paulding's Motion to intervene should either be denied or granted on a limited basis, which would allow Paulding to support the continuation of the AER should AEP-Ohio choose not to do so.

III. CONCLUSION

For the reasons discussed above, the Commission should deny Paulding's Motion to Intervene or, alternatively, should only grant Paulding limited intervention.

Respectfully submitted,

/s/ Matthew R. Pritchard

Samuel C. Randazzo (Counsel of Record)

Joseph E. Olikier

Frank P. Darr

Matthew R. Pritchard

McNEES WALLACE & NURICK LLC

21 East State Street, 17TH Floor

Columbus, OH 43215

Telephone: (614) 469-8000

Telecopier: (614) 469-4653

sam@mwncmh.com

joliker@mwncmh.com

fdarr@mwncmh.com

mpritchard@mwncmh.com

Attorneys for Industrial Energy Users-Ohio

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing *Industrial Energy Users-Ohio's Memorandum Contra Paulding Wind Farm II LLC's Motion to Intervene* was served upon the following parties of record this 11th day of March 2014 via electronic transmission, hand-delivery or first class mail, U.S. postage prepaid.

/s/ Matthew R. Pritchard

Matthew R. Pritchard

Steven T. Nourse
Matthew J. Satterwhite
AMERICAN ELECTRIC POWER
CORPORATION
1 Riverside Plaza, 29th Floor
Columbus, Ohio 43215-2373
stnourse@aep.com
mjsatterwhite@aep.com

Daniel R. Conway
PORTER WRIGHT MORRIS & ARTHUR
Huntington Center
41 South High Street
Columbus, Ohio 43215
dconway@porterwright.com

ON BEHALF OF OHIO POWER COMPANY

William L. Wright
Werner Margard
Devin Parram
Katherine Johnson
Assistant Attorneys' General
180 E. Broad Street, 6th Floor
Columbus, Ohio 43215-3793
William.wright@puc.state.oh.us
werner.margard@puc.state.oh.us
Devin.Parram@puc.state.oh.us
katherine.johnson@puc.state.oh.us

ON BEHALF OF THE STAFF OF THE PUBLIC UTILITIES COMMISSION OF OHIO

David F. Boehm
Michael L. Kurtz
Jody Kyler Cohn
BOEHM, KURTZ & LOWRY
36 East Seventh Street, Suite 1510
Cincinnati, Ohio 45202
dboehm@BKLawfirm.com
mkurtz@BKLawfirm.com
jkylercohn@BKLawfirm.com

ON BEHALF OF THE OHIO ENERGY GROUP

Maureen R. Grady
Assistant Consumers' Counsel
OFFICE OF THE OHIO CONSUMERS'
COUNSEL
10 West Broad Street, Suite 1800
Columbus, Ohio 43215-3485
grady@occ.state.oh.us

ON BEHALF OF THE OFFICE OF THE OHIO CONSUMERS' COUNSEL

Rocco D'Ascenzo
DUKE ENERGY OHIO, INC.
139 East Fourth Street
Cincinnati, Ohio 45202
Rocco.D'Ascenzo@duke-energy.com

ON BEHALF OF DUKE ENERGY OHIO, INC.

Barth E. Royer
BELL & ROYER CO., LPA
33 South Grant Avenue
Columbus, Ohio 43215-3927
BarthRoyer@aol.com

Gary A. Jeffries
DOMINION RESOURCES SERVICES, INC.
501 Martindale Street, Suite 400
Pittsburg, PA 15212-5817
Gary.A.Jeffries@dom.com

**ON BEHALF OF DOMINION RETAIL, INC.
D/B/A DOMINION ENERGY SOLUTIONS**

Richard L. Sites
OHIO HOSPITAL ASSOCIATION
155 East Broad Street, 15th Floor
Columbus, Ohio 43215-3620
ricks@ohanet.org

Thomas J. O'Brien
Dylan T. Borchers
BRICKER & ECKLER LLP
100 South Third Street
Columbus, Ohio 43215-4291
tobrien@bricker.com
dborchers@bricker.com

**ON BEHALF OF THE OHIO HOSPITAL
ASSOCIATION**

Phillip B. Sineneng
THOMPSON HINE LLP
41 South High Street, Suite 1700
Columbus, Ohio 43215
PhilipSineneng@ThompsonHine.com

**ON BEHALF OF DUKE ENERGY RETAIL
SALES, LLC AND DUKE ENERGY
COMMERCIAL ASSET MANAGEMENT, INC.**

Mark A. Whitt
Andrew J. Campbell
Gregory L. Williams
WHITT STURTEVANT LLP
The KeyBank Building, Suite 1590
88 East Broad Street
Columbus, Ohio 43215
whit@whitt-sturtevant.com
campbell@whitt-sturtevant.com
williams@whitt-sturtevant.com

Vincent Parisi
Lawrence Friedeman
Matthew White
INTERSTATE GAS SUPPLY, INC.
6100 Emerald Parkway
Dublin, Ohio 43016
vparisi@igsenergy.com
lfriedeman@igsenergy.com
mswhite@igsenergy.com

**ON BEHALF OF INTERSTATE GAS SUPPLY,
INC.**

Kimberly W. Bojko
Mallory M. Mohler
CARPENTER LIPPS & LELAND LLP
280 Plaza, Suite 1300
280 North High Street
Columbus, Ohio 43215
Bojko@carpenterlipps.com
Mohler@carpenterlipps.com

ON BEHALF OF OMA ENERGY GROUP

Mark A. Hayden
Jacob A. McDermott
Scott J. Casto
First Energy Service Company
76 South Main Street
Akron, Ohio 44308
haydenm@firstenergycorp.com
jmcdermott@firstenergycorp.com
scasto@firstenergycorp.com

**ON BEHALF OF FIRSTENERGY SOLUTIONS
CORP.**

Colleen L. Mooney
Cathryn N. Loucas
OHIO PARTNERS FOR AFFORDABLE
ENERGY
231 West Lima Street
Findlay, Ohio 45839-1793
cmooney@ohiopartners.org
cloucas@ohiopartners.org

**ON BEHALF OF OHIO PARTNERS FOR
AFFORDABLE ENERGY**

Mark S. Yurick
Zachary D. Kravitz
TAFT, STETTINIUS & HOLLISTER LLP
65 East State Street, Suite 1000
Columbus, Ohio 43215
myurick@taftlaw.com
zkravitz@taftlaw.com

ON BEHALF OF THE KROGER Co.

Judi L. Sobecki
THE DAYTON POWER AND LIGHT COMPANY
1065 Woodman Drive
Dayton, Ohio 45432
judi.sobecki@aes.com

**ON BEHALF OF THE DAYTON POWER AND
LIGHT COMPANY**

Joseph M. Clark
DIRECT ENERGY
21 East State Street, 19th Floor
Columbus, Ohio 43215
joseph.clark@directenergy.com

**On BEHALF of Direct Energy Services,
LLC and Direct Energy Business,
LLC**

Trent Dougherty
OHIO ENVIRONMENTAL COUNCIL
1207 Grandview Avenue, Suite 201
Columbus, Ohio 43212-3449
tdougherty@theOEC.org

John Finnigan
Senior Regulatory Attorney
ENVIRONMENTAL DEFENSE FUND
128 Winding Brook Lane
Terrace Park, Ohio 45174
jfinnigan@edf.org

**ON BEHALF OF THE OHIO ENVIRONMENTAL
COUNCIL AND ENVIRONMENTAL DEFENSE
FUND**

Michael R. Smalz
OHIO POVERTY LAW CENTER
555 Buttles Avenue
Columbus, Ohio 43215-1137
msmalz@ohiopovertylaw.com

Peggy P. Lee
SOUTHEASTERN OHIO LEGAL SERVICES
964 E. State Street
Athens, Ohio 45701
plee@oslsa.org

**ON BEHALF OF THE APPALACHIAN PEACE
AND JUSTICE NETWORK**

M. Howard Petricoff
Gretchen L. Petrucci
VORYS, SATER, SEYMOUR AND PEASE LLP
52 East Gay Street
P.O. Box 1008
Columbus, Ohio 43216-1008
mhpetricoff@vorys.com
glpetrucci@vorys.com

David I Fein
Vice President, State Government
Affairs-East
EXELON CORPORATION
10 South Dearborn Street, 47th Floor
Chicago, IL 60603
david.fein@exeloncorp.com

Cynthia Fonner Brady
Assistant General Counsel
EXELON BUSINESS SERVICES COMPANY
4300 Winfield Road
Warrenville, IL 60555
cynthia.brady@constellation.com

Lael Campbell
EXELON
101 Constitution Avenue, NW
Washington, DC 20001
Lael.Campbell@constellation.com

**ON BEHALF OF CONSTELLATION
NEWENERGY, INC. AND EXELON
GENERATION COMPANY, LLC**

M. Howard Petricoff
Gretchen L. Petrucci
VORYS, SATER, SEYMOUR AND PEASE LLP
52 East Gay Street
P.O. Box 1008
Columbus, Ohio 43216-1008
mhpetricoff@vorys.com
glpetrucci@vorys.com

**ON BEHALF OF THE RETAIL ENERGY
SUPPLY ASSOCIATION**

Nicholas McDaniel
ENVIRONMENTAL LAW & POLICY CENTER
1207 Grandview Avenue, Suite 201
Columbus, Ohio 43212
NMcDaniel@elpc.org

**ON BEHALF OF THE ENVIRONMENTAL LAW
AND POLICY CENTER**

Lisa M. Hawrot
SPILMAN THOMAS & BATTLE, PLLC
Century Centre Building
1233 Main Street, Suite 4000
P.O. Box 831
Wheeling, WV 26003-8731
lhawrot@spilmanlaw.com

Derrick Price Williamson
SPILMAN THOMAS & BATTLE, PLLC
1100 Bent Creek Blvd., Suite 101
Mechanicsburg, PA 17050
dwilliamson@spilmanlaw.com

Steve W. Chriss
Senior Manager, Energy Regulatory
Analysis
WAL-MART STORES, INC.
2001 SE 10th Street
Bentonville, AR 72716-0550
Stephen.Chriss@walmart.com

**ON BEHALF OF WAL-MART STORES EAST,
LP AND SAM'S EAST, INC.**

Samantha Williams
NATURAL RESOURCES DEFENSE COUNCIL
20 N. Wacker Drive, Suite 1600
Chicago, IL 60606
swilliams@nrdc.org

**ON BEHALF OF THE NATURAL RESOURCES
DEFENSE COUNCIL**

Stephanie M. Chmiel
THOMPSON HINE LLP
41 S. High Street, Suite 1700
Columbus, Ohio 43215
Stephanie.Chmiel@ThompsonHine.com

**ON BEHALF OF BORDER ENERGY
ELECTRIC SERVICES, INC.**

Gregory J. Poulos
ENERNOC, INC.
471 E. Broad Street, Suite 1520
Columbus, Ohio 43215
gpoulos@enernoc.com

ON BEHALF OF ENERNOC, INC.

J. Thomas Siwo
BRICKER & ECKLER LLP
100 South Third Street
Columbus, Ohio 43215-4291
tsiwo@bricker.com

**ON BEHALF OF PAULDING WIND FARM II
LLC**

Sarah Parrot
Attorney Examiner
Public Utilities Commission of Ohio
180 East Broad Street, 12th Floor
Columbus, OH 43215
sarah.parrot@puc.state.oh.us

ATTORNEY EXAMINER

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electronically filed by Mr. Matthew R. Pritchard on behalf of Industrial Energy Users-Ohio