

**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)	
Pursuant to §4928.143, Revised Code, in the Form of an)	Case No. 13-2385-EL-SSO
Electric Security Plan.)	

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

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

Pursuant to Ohio Administrative Code (“OAC”) Rule 4901-1-12, Paulding Wind Farm II LLC (“Paulding II”) hereby files its Reply to the Memorandum Contra filed by Industrial Energy Users-Ohio (“IEU-Ohio”), in the above-captioned proceedings on March 11, 2014. The Public Utilities Commission of Ohio (“Commission”) should disregard IEU-Ohio’s Memorandum Contra and grant Paulding II leave to intervene. Paulding II has a real and substantial interest in these proceedings, and the Commission’s disposition of these proceedings may impair or impede Paulding II’s ability to protect that interest, as provided in Paulding II’s Motion to Intervene, filed on March 7, 2014, in the above-captioned proceedings.

MEMORANDUM IN SUPPORT

Contrary to the assertions of IEU-Ohio, Paulding II is a real party in interest in these proceedings, consistent with the requirements of Ohio Revised Code Section (“R.C.”) 4903.221 and OAC Rule 4901-1-11. Ohio law allows for intervention where the potential intervenor “may be

adversely affected by” a proceeding.¹ In order to determine whether the person may be adversely affected, the Commission shall consider four, specified criteria:

- (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.²

The Commission’s corresponding administrative rule, OAC Rule 4901-1-11, promulgated under the authority of R.C. 4903.221, identifies factors duplicative of the statutory factors, with one addition related to prior representation by other parties.³

Paulding II satisfies these requirements for intervention. Paulding II will be directly affected by the Commission’s determination in these matters, and should be permitted to intervene. IEU-Ohio incorrectly alleges that Paulding II’s interest in these proceedings is already adequately represented by Ohio Power Company (“AEP-Ohio”).⁴ IEU-Ohio ignores the fact Paulding II is a supplier of renewable energy to AEP-Ohio. AEP-Ohio does not represent this interest, but merely operates under the obligations imposed by R. C. 4928.64 and uses Rider AER as its pass through mechanism to recover the costs of those obligations. AEP-Ohio’s interest in Rider AER are distinguishable from those of Paulding II, and its approach in defending that aspect of this ESP filing could be completely different than that of Paulding II. IEU-Ohio also claims that Rider AER is unlikely to be a challenged issue, but it is not clear at this junction which components of AEP-

¹ R.C. 4903.221

² R.C. 4903.221(B)

³ OAC 4901-1-11(B)

⁴ IEU-Ohio’s Memorandum Contra at 2.

Ohio's application will be contested by the various intervenors, including IEU-Ohio. Thus, if not permitted to intervene, Paulding II would have no opportunity to address challenges to Rider AER if raised. Additionally, although Paulding II's primary interest in this proceeding is limited to the confines of Rider AER, the nature of the ESP approval process is such that other issues within the ESP may ultimately affect Rider AER, and Paulding II should be permitted to intervene. AEP-Ohio's current SSO rate structure is based upon the ESP provisions of R.C. 4928.143, and this includes the operation of Rider AER. If, for any number of reasons, the ESP as filed by AEP-Ohio were not put into effect, Rider AER could cease to operate as currently structured. This would have serious negative consequences for Paulding II and this interest is not represented by any other party.

Based upon the fact that Paulding II's interests are not represented by existing parties, IEU-Ohio's remaining allegations are fruitless, and need not be repeated herein.

Accordingly, Paulding II respectfully requests the Commission grant its Motion to Intervene pursuant to R.C. 4903.221 and OAC Rule 4901-1-11.

Respectfully submitted on behalf of
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Motion to Intervene was served upon the parties of record listed below this 18th day of March 2014 *via* electronic mail.



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Summary: Reply Memorandum to Industrial Energy Users-Ohio's Memorandum Contra
electronically filed by J. Thomas Siwo on behalf of Paulding Wind Farm II LLC