

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

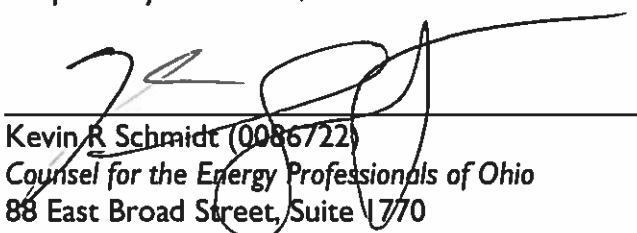
In the Matter of the Application of)	
Ohio Power Company for Authority to)	
Establish a Standard Service Offer)	Case No. 13-2385-EL-SSO
Pursuant to §4928.143, Ohio Rev. Code,)	
In the Form of an Electric Security Plan.)	

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 OUT OF TIME
OF
THE ENERGY PROFESSIONALS OF OHIO**

The Energy Professionals of Ohio (EPO) 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 (O.A.C.), for leave to intervene in the above-captioned matters. The EPO is a trade group comprised licensed power brokers and consultants who exist in Ohio's competitive marketplace for power and advise thousands of Ohio businesses on the procurement of power. Since the outcome of this proceeding will have an effect on the continued operation of Ohio's competitive marketplace for power, the EPO has a real and substantial interest in this proceeding, and those interests are not adequately represented by the existing parties.

Respectfully Submitted,



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**MEMORANDUM IN SUPPORT OF
THE ENERGY PROFESSIONALS OF OHIO
MOTION TO INTERVENE OUT OF TIME**

On December 20, 2013 the Ohio Power Company filed its application for an electric security plan to establish a standard service offer (SSO) for a term commencing on June 1, 2015 and ending May 31, 2018. On January 24, 2014 the attorney examiner set forth the procedural schedule stating motions to intervene should be filed by March 7, 2014. The Energy Professionals of Ohio is a new group that did not hold its first formal membership meeting until April 10, 2014.

Ohio Administrative Code 4901-1-11(A) states that "upon timely motion, any person shall be permitted to intervene in a proceeding up on a showing that ... [t]he 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). In considering a motion to intervene, the Commission is directed by O.A.C. 4901-1-11(B) to certain criteria for consideration. Those are:

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 cases.
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.
5. The extent to which the person's interest is represented by existing parties.

The EPO has a unique interest in this case because it is the only group representing businesses whose primary role is the interpretation of products offered by Competitive Retail Electric Service (CRES) providers on behalf of consumers. Ensuring that the competitive market in Ohio Power's service territory is protected in this filing is vital to the EPO's members continued existence. The EPO will not unduly prolong or delay the proceedings. The EPO's membership is comprised of individuals whose collective experience in electric utilities spans decades and, therefore, will significantly contribute to full development and equitable resolution of the factual issues. Finally, as previously stated, no other party to this case exists in the same space as the EPO and so existing parties do not represent the EPO's interest.

The Attorney Examiner set the deadline for intervention as March 7, 2014, with Discovery requests by May 2, 2014, and Testimony on behalf of intervenors by May 6, 2014. But O.A.C. 4901-1-11(F) allows the Commission to grant a motion to intervene out of time in extraordinary circumstances. EPO submits these extraordinary circumstances exist in this matter since it did not hold its first membership meeting until after the deadline for intervention. Therefore, it was literally not possible for the EPO to meet the deadline as it had not consulted its members or put in place a mechanism for the group to make decisions.

Further, granting the EPO's motion to intervene will not harm any existing parties interest as testimony has not been filed. Since no party has made its litigation position public no one is harmed by the addition of the EPO.

Accordingly, the EPO has a real and substantial interest and is entitled to intervene in this action under O.A.C. 4901-1-11.

Respectfully Submitted,



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CERTIFICATE OF SERVICE

The undersigned hereby certifies that this motion to intervene out of time has been served by electronic service to the parties identified below this 25th day of April, 2014.

Kevin Schmidt

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in

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

Summary: Motion Motion of the Energy Professionals of Ohio to Intervene Out of Time and Memorandum of Support electronically filed by Mr. Kevin R Schmidt on behalf of The Energy Professionals of Ohio