

**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.)	

**REPLY TO THE OHIO POWER COMPANY'S MEMORANDUM CONTRA
THE ENERGY PROFESSIONALS OF OHIO'S MOTION
TO INTERVENE OUT OF TIME**

Pursuant to Ohio Administrative Code §4901-1-12(B)(2), the Energy Professionals of Ohio (EPO) hereby files its reply to the Ohio Power Company's (AEP Ohio) memorandum contra to the EPO's motion to intervene out of time in this case.

In its memorandum contra AEP Ohio makes two arguments: 1) that the EPO existed as a legal entity before the deadline for intervention and therefore could have, and 2) the extraordinary circumstances required to allow a out of time intervention are not present in this instance. Both arguments lack merit for the following reasons:

I. The EPO may have existed as a legal entity, but was without any ability to make decisions on behalf of members until after the deadline had passed.

AEP-Ohio correctly notes that the EPO filed its articles of incorporation with the Ohio Secretary of State's office more than a month before the deadline for intervention (see AEP Ohio Memo. Contra at 2). This does not, however, change the fact the EPO could not intervene. The EPO is a non-profit corporation whose recently adopted mission is to "...to

promote the common business interest of licensed energy brokers and consultants in Ohio, work to protect the integrity of a competitive market for energy in Ohio and those who operate within it, and provide a forum for the overall enhancement of the industry.” The key phrase for the purposes of this memo is “promote the common business interests of licensed energy brokers.”

The EPO is a membership organization and does the will of its members. Since the EPO had not yet held a membership meeting by the deadline for intervention in this case it did not know the “common business interests of licensed energy brokers.” As a membership organization, the EPO cannot act without a decision by its members. As the EPO stated in its motion to intervene, the first membership meeting of the EPO did not take place until after the deadline for intervention had passed (see EPO Motion to Intervene at 3). As such, intervention in a timely matter in this case was not possible, as the members had not yet had an opportunity to consider the merits of such intervention.

While AEP Ohio argues that the EPO had time to consider this case since it incorporated before the deadline for intervention, the original incorporators were otherwise occupied with necessary matters for the legitimate operation of a non-profit like opening a bank account, adopting bylaws, electing officers, obtaining an employer identification number, and other start-up issues. Further, these incorporators are volunteer participants in the EPO and own businesses that keeps most of their days occupied. The work of taking all of the legal steps necessary to start a trade association, along side of their day-to-day operations in their own businesses, would have prohibited them from considering intervention in the case even if they were willing to act without member support.

2. Extraordinary circumstances do exist and warrant granting the request for intervention.

The EPO is the only group seeking to participate in this case that represents the interest of brokers who operate in Ohio's deregulated energy markets. The role of a broker is vital to Ohio's continued development of a mature and beneficial market for electricity. The EPO is the only party whose members key business is to help consumers of power understand and select the increasingly complex financial instruments that are power contracts. The outcome of this proceeding will have direct consequences for AEP Ohio's power market and the ability of the broker industry to operate within it. There are over 200 licensed power brokers in Ohio representing significant internal employment and tens of thousands of customer meters. Without the EPO this voice is unheard. The fact that the membership of the EPO did not have a timely opportunity to intervene because they had not come together as a community, and the fact that no other party, even in part, represents their interests, warrants a finding for extraordinary circumstances.

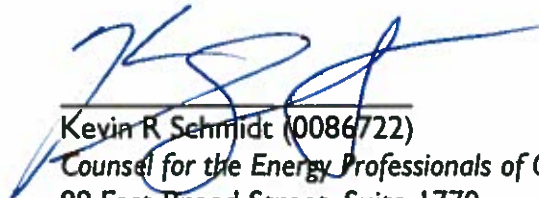
Finally, the EPO will not disrupt the case or unduly prejudice any party. The EPO has not filed nor will it ask to file witness testimony; therefore, AEP Ohio will not bear the cost of reviewing and cross-examining an EPO witness. The EPO seeks participation in this case only to provide its expertise on the critical issue of Ohio's ongoing and orderly development of a deregulated power market for customers.

3. Conclusion

Because the EPO was unable to intervene in time, extraordinary circumstances exist in this matter, and no party will be unduly prejudiced by the EPO's intervention, the EPO

respectfully requests that the Commission reject AEP Ohio's memorandum contra and grant the EPO's motion to intervene.

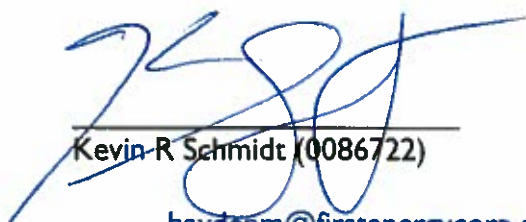
Respectfully Submitted,



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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 13th day of May, 2014.



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Case No(s). 13-2385-EL-SSO

Summary: Reply to Ohio Power Company's memorandum contra the Energy Professionals of Ohio's motion to intervene out of time. electronically filed by Mr. Kevin R Schmidt on behalf of The Energy Professionals of Ohio