

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of Application of Duke	)	
Energy Ohio, Inc. for Authority to	)	
Establish a Standard Service Offer	)	
Pursuant to R.C. 4928.143, in the Form of	)	Case No. 14-841-EL-SSO
an Electric Security Plan, Accounting	)	
Modifications, and Tariffs for Generation	)	
Service.	)	

In the Matter of Application of Duke	)	
Energy Ohio, Inc. for Authority to	)	Case No. 14-842-EL-ATA
Amend its Certified Supplier Tariff,	)	
P.U.C.O. No. 20.	)	

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**MOTION TO INTERVENE  
OF OHIO POWER COMPANY**

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Pursuant to Ohio Revised Code §4903.221 and Rule 4901-1-11, Ohio Admin. Code, Ohio Power Company (“AEP Ohio”) hereby moves to intervene in these proceedings. As more fully explained in the accompanying memorandum in support, AEP Ohio has a real and substantial interest in these proceedings that is not adequately represented by existing parties and is so situated that the disposition of these proceedings may impair or impede its ability to protect that interest. Therefore, AEP Ohio respectfully requests that the Public Utilities Commission of Ohio (“Commission”) grant this timely request to intervene and that AEP Ohio be made a party of record to these proceedings.

Respectfully submitted,

/s/ Yazen Alami  
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## MEMORANDUM IN SUPPORT

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Revised Code §4903.221 provides, in pertinent part, that any person “who may be adversely affected” by a Commission proceeding is entitled to seek intervention in that proceeding. Subsection (B) of R.C. §4903.221 requires the Commission to consider the following criteria in ruling on 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 proceeding; and
4. Whether the prospective intervenor will significantly contribute to the full development and equitable resolution of the factual issues.<sup>1</sup>

Additionally, the Commission’s rules also require consideration of “[t]he extent to which the person’s interest is represented by existing parties” in deciding whether to permit intervention.<sup>2</sup> Furthermore, the Supreme Court of Ohio has found that “intervention ought to be liberally allowed so that the positions of all persons with a real and substantial interest in the proceedings can be considered by the PUCO.”<sup>3</sup> In considering AEP Ohio’s intervention in light of the above criteria and precedent, the Commission should find that AEP Ohio’s intervention in these proceedings is appropriate.

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<sup>1</sup> Ohio Rev. Code Ann. § 4903.221(B)(1)-(4)

<sup>2</sup> See Rule 4901-1-11(B)(1)-(5), Ohio Admin. Code.

<sup>3</sup> *Ohio Consumers’ Counsel v. Pub. Util. Comm.*, 111 Ohio St. 3d 384, 387, 2006-Ohio-5853, ¶20 (2006).

According to Duke Energy Ohio, Inc. (“Duke”), its proposed electric security plan “addresses a range of issues,” including, among other provisions, “introducing a transparent and straightforward rate design, allowing for timely recovery of distribution investment, and enabling retail rate stability and certainty in the state, as well as continued economic development resulting from unfettered, market-based competition for the supply of capacity and energy.”<sup>4</sup> Additionally, the future framework of Duke’s competitive bidding process, “including, but not limited to, the auction design, parameters, and the selection of winning bids,” also is addressed in Duke’s Application and supporting testimony.<sup>5</sup> Duke’s Application also proposes a revision to Duke’s Retail Capacity Rider that “is consistent . . . with the rate design being proposed by AEP Ohio in its pending ESP application.”<sup>6</sup> The disposition of these and other issues in these proceedings may directly affect AEP Ohio and its provision of retail electric services, and also may directly affect the ultimate outcome of similar issues raised in AEP Ohio’s pending ESP application. Finally, Duke’s Application proposes to include Duke’s interest in Ohio Valley Electric Corporation (OVEC) into its Price Stabilization Rider.<sup>7</sup> Because AEP Ohio owns an interest in OVEC, the resolution of this issue also will directly affect AEP Ohio. As such, AEP Ohio has a real and substantial interest in these proceedings that is not adequately represented by existing parties and is so situated that

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<sup>4</sup> *In the Matter of the Application of Duke Energy Ohio for Authority to Establish a Standard Service Offer Pursuant to Section 4928.143, Revised Code, in the Form of an Electric Security Plan, Accounting Modifications and Tariffs for Generation Service*, Case Nos. 14-841-EL-SSO, *et al.*, Application (May 29, 2014) (“Duke’s Application”) at 1-2.

<sup>5</sup> *Id.* at 3.

<sup>6</sup> *Id.* at 9.

<sup>7</sup> *Id.* at 13-14.

the disposition of these proceedings may impair or impede its ability to protect that interest.

This motion to intervene is timely filed and AEP Ohio's intervention will not unduly prolong or delay these proceedings. AEP Ohio was a party to Duke's most recent ESP case, Case No. 11-3549-EL-SSO, and Duke's Application addresses matters implemented as a result of that proceeding. Given its experience in the marketplace and intimate understanding of the issues raised by Duke's Application, AEP Ohio will be able to significantly contribute to the full development and equitable resolution of the factual issues in these proceedings – especially considering elements of Duke's Application are consistent with elements contained within AEP Ohio's current ESP application.

For the foregoing reasons, AEP Ohio respectfully requests that the Commission grant this motion to intervene and that AEP Ohio be made a party of record to these proceedings.

Respectfully submitted,

/s/ Yazen Alami

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## CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing has been served via electronic mail upon the individuals listed below this 20<sup>th</sup> day of June, 2014.

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Summary: Motion to Intervene and Memorandum in Support electronically filed by Mr. Yazen Alami on behalf of Ohio Power Company