

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application Seeking)	
Approval of Ohio Power Company's)	Case No. 14-1693-EL-RDR
Proposal to Enter into an Affiliate Power)	
Purchase Agreement for Inclusion in the)	
Power Purchase Agreement Rider)	
)	
In the Matter of the Application of Ohio)	
Power Company for Approval of Certain)	Case No. 14-1694-EL-AAM
Accounting Authority)	

MOTION TO INTERVENE OF BUCKEYE POWER, INC.

Pursuant to Ohio Revised Code § 4903.221 and Ohio Administrative Code § 4901-1-11, Buckeye Power, Inc. ("Buckeye") respectfully moves to intervene in this proceeding. Buckeye has real and substantial interests in this proceeding, and those interests may be adversely affected by its outcome. No other party to the proceeding can adequately represent Buckeye's interests. The Commission should grant Buckeye's Motion to Intervene for the reasons more fully set forth in the attached Memorandum in Support.

Respectfully submitted,

/s/ Stephanie M. Chmiel

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MEMORANDUM IN SUPPORT

I. Background.

On October 3, 2014, Ohio Power Company (“AEP Ohio”) submitted an application to the Public Utilities Commission of Ohio (the “PUCO” or “Commission”) seeking approval to allow AEP Ohio to enter into an affiliate power purchase agreement (“PPA”) between it and AEP Generation Resources, Inc. (“AEPGR”) for inclusion in the PPA Rider now pending approval at the PUCO in Case Nos. 13-2385-EL-SSO, et al. The Commission’s ruling regarding the PPA Rider will impact Buckeye given that AEP Ohio has proposed for inclusion in the PPA and the PPA Rider certain facilities that Buckeye jointly owns with AEPGR and a related operating contract between Buckeye and AEPGR.

Buckeye and AEPGR have a unique and complex, interconnected business relationship involving the joint ownership of major electric-generating assets, and a variety of contracts, agreements and memorandums of understanding integral to Buckeye’s operations.¹ The relationship of relevance in this proceeding is Buckeye’s and AEPGR’s joint ownership of the Cardinal Station located in Brilliant, Ohio. Buckeye owns Unit Nos. 2 and 3 at the Cardinal Station, and AEPGR owns Unit No. 1. In addition, Buckeye and AEPGR are parties to the Cardinal Station Agreement, which, among other things, gives AEPGR the right to a portion of the output of Cardinal Unit Nos. 2 and 3 in exchange for AEPGR’s obligation to back-up Buckeye’s Cardinal Station entitlement.

In the Application, AEP Ohio requests that AEPGR’s interest in Cardinal Unit No. 1 and in the Cardinal Station Agreement between Buckeye and AEPGR be included in the PPA and the

¹ Prior to AEP Ohio’s structural corporate separation of its generation assets to AEPGR effective January 1, 2014, Buckeye’s business relationship involving the joint ownership of generating assets and related contracts and agreements was with AEP Ohio, not AEPGR.

PPA Rider. Buckeye requests intervention in this proceeding to ensure that its interests in the Cardinal Station and the Cardinal Station Agreement are protected.

II. Buckeye Meets All Criteria for Intervention.

Pursuant to RC 4903.221, any person who may be adversely affected by a Commission proceeding may intervene in such proceeding. In deciding whether to permit intervention, the Commission shall consider:

- (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; and
- (5) The extent to which the person's interest is represented by existing parties.

Ohio Adm.Code 4901-1-11. Buckeye meets this standard.

Buckeye should be granted intervention because it has a real and substantial interest in this proceeding. The Application specifically identifies AEPGR's interest in the Cardinal Station and the Cardinal Station Agreement as one of the generation assets that AEP Ohio proposes to include in the PPA Rider. Because Buckeye jointly owns and operates the Cardinal Station with AEPGR and because Buckeye is a party to the Cardinal Station Agreement with AEPGR, it has an interest in the outcome of this matter. In addition, Buckeye's interests are not represented by existing parties because no other party jointly owns the Cardinal Station or is a party to the Cardinal Station Agreement with AEPGR. Buckeye's unique relationship with AEPGR and joint ownership with AEPGR of certain of the assets that AEP Ohio proposes to include in the PPA Rider will also contribute to the Commission's understanding of the various

issues raised by the Application. Finally, Buckeye's participation will not unduly prolong or delay the proceeding. This Motion is timely, as the Commission has not yet established a procedural schedule in this matter nor issued any ruling.

III. Conclusion.

For the aforementioned reasons, Buckeye satisfies the criteria set forth in both RC 4903.221 and Ohio Adm.Code 4901-1-11. Therefore, Buckeye's Motion to Intervene should be granted.

Respectfully submitted,

/s/ Stephanie M. Chmiel

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion to Intervene of Buckeye Power, Inc. has been served by regular U.S. mail or electronic mail delivery upon the persons listed on the attached Service List on this 17th day of October, 2014.

/s/ Stephanie M. Chmiel

Stephanie M. Chmiel

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ON BEHALF OF FIRSTENERGY SOLUTIONS
CORP.

ON BEHALF OF SIERRA CLUB

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Summary: Motion Buckeye Power, Inc.'s Motion to Intervene electronically filed by Ms. Stephanie M Chmiel on behalf of Buckeye Power, Inc.