

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 in the Power)	
Purchase Agreement Rider.)	

In the Matter of the Application of)	
Ohio Power Company for Approval of)	Case No. 14-1694-EL-AAM
Certain Accounting Authority.)	

DYNEGY, INC.'S MOTION TO INTERVENE

Dynegy Inc. respectfully moves the Public Utilities Commission of Ohio to grant it leave to intervene in Case Nos. 14-1693-EL-RDR and 14-1694-EL-AAM pursuant to Ohio Revised Code Section 4903.221 and Ohio Administrative Code Rule 4901-1-11. The reasons supporting this Motion are set out in the attached Memorandum in Support.

Respectfully submitted,

/s/ Michael D. Dortch

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MEMORANDUM IN SUPPORT

On August 4, 2014, the Ohio Power Company filed an application for approval of its proposal to enter into an affiliate power purchase agreement in a power purchase agreement rider and for approval of certain accounting authority in Case Nos. 14-1693-EL-RDR and 14-1694-EL-AAM. Dynegy Inc. (“Dynegy”) desires, and is entitled, to intervene in this proceeding pursuant to Ohio Revised Code Section 4903.221 and Ohio Administrative Code Rule 4901-1-11. Under Ohio Admin. Code Section 4901-1-11(A)(2), upon timely motion, any person is permitted to intervene in a proceeding before this Commission upon a showing that:

The 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.

Ohio Admin. Code Section 4901-1-11(B) provides that the following factors are to be considered in evaluating requests to intervene:

- (1) The nature of the person’s interest;
- (2) The extent to which the person’s interest is represented by existing parties;
- (3) The person’s potential contribution to a just and expeditious resolution of the issues involved in the proceeding; and
- (4) Whether granting the requested intervention would unduly delay the proceeding or unjustly prejudice any existing party.

Id.; see also Ohio Revised Code Section 4903.221. Further, the Ohio Supreme Court has stated 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.” *Ohio Consumers’ Counsel v. Pub. Util. Comm.*, 111 Ohio St.3d 384, 388 (2006).

Dynegy maintains a real and substantial interest in the proceeding and may experience negative economic impacts if Ohio Power’s as-filed applications are granted. Dynegy recently entered into an agreement with affiliates of Duke Energy Corporation (“Duke Energy”) to purchase a number of Duke Energy’s power plants located within Ohio. The deal is anticipated

to close by the end of the first quarter, 2015. Dynegy's interest in protecting its future power plants and their revenue is extensive. Thus, this proceeding could negatively affect Dynegy's pricing strategy as relied upon when it contracted with Duke Energy for the Ohio power plants. Second, Dynegy's legal interests cannot adequately be represented by the current parties as its interests are specific to its future ownership in the power plants mentioned; other parties are incapable of protecting Dynegy's unique interests. Third, Dynegy will significantly contribute to the development, and ultimate resolution, of the factual issues. Fourth, Dynegy's admittance into these proceedings will not cause unduly delay or unjustly prejudice any part.

For these reasons, Dynegy, Inc. respectfully asks that this Commission grant its Motion to Intervene.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that true and accurate copies of the foregoing were served upon the following parties to this proceeding this December 8, 2014, via electronic mail as follows:

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Summary: Motion Motion to Intervene electronically filed by Mr. Michael D. Dortch on behalf of Dynegy Inc