

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of the Fuel)	
Adjustment Clauses for Columbus Southern)	Case No. 11-5906-EL-FAC
Power Company and Ohio Power Company)	
and Related Matters.)	

In the Matter of the Application of the Fuel)	
Adjustment Clauses for Columbus Southern)	Case No. 12-3133-EL-FAC
Power Company and Ohio Power Company.)	

In the Matter of the Application of the Fuel)	Case No. 13-572-EL-FAC
Adjustment Clauses for Ohio Power Company.)	

In the Matter of the Application of the Fuel)	Case No. 13-1286-EL-FAC
Adjustment Clauses for Ohio Power Company.)	

In the Matter of the Application of the Fuel)	Case No. 13-1892-EL-FAC
Adjustment Clauses for Ohio Power Company.)	

**MOTION TO INTERVENE
OF THE RETAIL ENERGY SUPPLY ASSOCIATION**

Now comes the Retail Energy Supply Association (“RESA”),¹ who, pursuant to Section 4903.221, Revised Code and Rule 4901-1-11 of the Ohio Administrative Code, moves to intervene in the above-styled proceedings. The reasons supporting the intervention are contained in the accompanying Memorandum in Support.

WHEREFORE, RESA respectfully requests that the Commission grant this motion to intervene and that RESA be made a full party of record in these proceedings.

¹ RESA’s members include: AEP Energy, Inc.; Champion Energy Services, LLC; Consolidated Edison Solutions, Inc.; Constellation NewEnergy, Inc.; Direct Energy Services, LLC; Dynegy Energy Services; GDF SUEZ Energy Resources NA, Inc.; IDT Energy, Inc.; Interstate Gas Supply, Inc. dba IGS Energy; Just Energy; Liberty Power; MC Squared Energy Services, LLC; Mint Energy, LLC; NextEra Energy Services; Noble Americas Energy Solutions LLC; Nordic Energy Services, LLC; NRG Energy, Inc.; PPL EnergyPlus, LLC; Stream Energy; TransCanada Power Marketing Ltd. and TriEagle Energy, L.P. The comments expressed in this filing represent the position of RESA as an organization but may not represent the views of any particular member of RESA.

Respectfully Submitted,



M. Howard Petricoff (0008287)

Michael J. Settineri (0073369)

Gretchen L. Petrucci (0046608)

VORYS, SATER, SEYMOUR AND PEASE LLP

52 East Gay Street

Columbus, Ohio 43215

Tel. (614) 464-5414

mhpetricoff@vorys.com

mjsettineri@vorys.com

glpetrucci@vorys.com

Attorneys for the Retail Energy Supply Association

**MEMORANDUM IN SUPPORT
OF THE MOTION TO INTERVENE
OF THE RETAIL ENERGY SUPPLY ASSOCIATION**

RESA is a broad and diverse group of retail energy suppliers who share the common vision that competitive retail energy markets deliver a more efficient, customer-oriented outcome than regulated utility structure. Many of RESA members are certificated as competitive retail electric service providers and are active in the Ohio retail electric and natural gas markets providing service to residential, commercial, industrial and governmental customers. In addition, some of RESA's members currently provide CRES service to retail customers in the Ohio Power Company ("Ohio Power") service area. RESA is a knowledgeable party who was involved in the prior relevant proceeding and who can contribute to the just and reasonable conclusion of the issues in this proceeding. RESA was a party in the Ohio Power proceeding involving the company's competitive bidding process (Case No. 12-3254-EL-UNC), in which (a) the issue of double-recovery of costs related to the Fuel Adjustment Clause ("FAC") was raised, debated and deferred to these FAC proceedings; and (b) the FAC was unbundled. Moreover, RESA is concerned with the manner in which any double-recovery is returned/credited to customers.²

The basic criteria for intervention in a Commission proceeding are established in Section 4903.221, Revised Code, and detail has been provided in Rule 4901-1-11, Ohio Administrative Code. Rule 4901-1-11 states in part:

Upon timely motion, any person shall be permitted to intervene in a proceeding upon a showing that:

* * *

(2) 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

² In its October 6, 2014 report (at 3-4, 13-14), the independent auditor, Baker Tilly Virchow Krause LLP, found that a double-recovery had taken place.

practical matter, impair or impede his or her ability to protect that interest, unless the person's interest is adequately represented by existing parties.

In addition to establishment of a direct interest, the factors that the Public Utilities Commission of Ohio ("Commission") considers in implementing the above rule are the nature of the intervenor's interest, the extent that interest is represented by existing parties, the intervenor's potential contribution to a just and expeditious resolution of the issues involved, and whether intervention would result in an undue delay of the proceeding. (See also Section 4903.221(B), Revised Code upon which the above rule is authorized). A review of these factors in light of following facts supports granting RESA's intervention.

RESA's members have existing and potential business interests in the state that will be affected by the outcome of these proceedings. If a double-recovery is found to have taken place and a refund/credit is ordered, the Commission's decision will affect the competitive retail electric market in Ohio Power's service territory, in which some of the RESA members provide electric power and other products and services to retail service customers. More specifically, any refund/credit ought to go back to all Ohio Power customers, not just the Ohio Power Standard Service Offer ("SSO") customers. Among the reasons for this RESA position to refund/credit all customers is that it is impossible to find and return the funds to the exact customers who were overcharged, and many of the Ohio Power SSO customers are now shopping customers and vice versa.

This motion to intervene meets the deadline established by the Attorney Examiner in these matters. No other existing party adequately represents RESA's interests. Just as in other Commission proceedings, RESA can contribute significantly to a just and expeditious resolution of the issues involved in these proceedings, without an undue delay of the proceeding. Lastly, the undersigned will accept service by electronic mail.

WHEREFORE, RESA respectfully requests that the Commission grant this motion for leave to intervene and that RESA be made a full party of record in these proceedings.

Respectfully Submitted,



M. Howard Petricoff (0008287)
Michael J. Settineri (0073369)
Gretchen L. Petrucci (0046608)
VORYS, SATER, SEYMOUR AND PEASE LLP
52 East Gay Street
Columbus, Ohio 43215
Tel. (614) 464-5414
mhpetricoff@vorys.com
mjsettineri@vorys.com
glpetrucci@vorys.com

Attorneys for the Retail Energy Supply Association

CERTIFICATE OF SERVICE

The Public Utilities Commission of Ohio's e-filing system will electronically serve notice of the filing of this document on the parties referenced on the service list of the docket card who have electronically subscribed to the case. In addition, the undersigned certifies that a courtesy copy of the foregoing document is also being served (via electronic mail) on the 16th day of January 2015 upon the persons/entities listed below.



M. Howard Petricoff

Steven T. Nourse
Matthew J. Satterwhite
Matthew S. McKenzie
Yazen Alami
American Electric Power Service Corporation
1 Riverside Plaza
Columbus, OH 43215-2373
stnourse@aep.com
mjsatterwhite@aep.com
msmckenzie@aep.com
yalami@aep.com

Samuel C. Randazzo
Frank P. Darr
Matthew R. Pritchard
McNees Wallace & Nurick LLC
21 E. State Street, 17th Floor
Columbus, OH 43215
sam@mwncmh.com
fdarr@mwncmh.com
mpritchard@mwncmh.com

Matthew White
IGS Energy
6100 Emerald Parkway
Dublin, Ohio 43016
mswhite@igsenergy.com

Maureen R. Grady
Terry L. Etter
Office of the Ohio Consumers' Counsel
10 West Broad Street, Suite 1800
Columbus, Ohio 43215-3485
maureen.grady@occ.ohio.gov
terry.etter@occ.ohio.gov

Emma F. Hand
Arthur Beeman
SNR Denton LLP
1301 K Street NW
Suite 600, East Tower
Washington, DC 20005
emma.hand@snrdenton.com
arthur.beeman@snrdenton.com

Thomas McNamee
Office of the Ohio Attorney General
180 East Broad Street, 6th Floor
Columbus, OH 43215
thomas.mcnamee@puc.state.oh.us

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

1/16/2015 4:00:07 PM

in

Case No(s). 11-5906-EL-FAC, 12-3133-EL-FAC, 13-0572-EL-FAC, 13-1286-EL-FAC, 13-1892-EL-FAC

Summary: Motion Motion to Intervene electronically filed by Mrs. Gretchen L. Petrucci on behalf of Retail Energy Supply Association