

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Seeking)	
Approval of Ohio Power Company's Proposal)	
to Enter into an Affiliate Power Purchase)	Case Nos. 14-1693-EL-RDR
Agreement for Inclusion in the Power Purchase)	
Agreement Rider)	

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

**JOINT MOTION TO INTERVENE OF
CONSTELLATION NEWENERGY, INC.
AND EXELON GENERATION COMPANY, LLC**

Now come Constellation NewEnergy, Inc., and Exelon Generation Company, LLC (jointly "Exelon"), who, pursuant to Section 4903.221, Revised Code and Rule 4901-1-11, Ohio Administrative Code, move for intervention in the above-styled proceeding as full parties of record. The reasons supporting the intervention are contained in the accompanying Memorandum in Support.

WHEREFORE, Exelon respectfully requests that the Commission grant this joint motion to intervene and that Constellation NewEnergy, Inc., and Exelon Generation Company, LLC, each be made a full party of record.

Respectfully Submitted,



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**MEMORANDUM IN SUPPORT OF
THE JOINT MOTION TO INTERVENE OF
CONSTELLATION NEWENERGY, INC. AND
EXELON GENERATION COMPANY, LLC**

Constellation NewEnergy, Inc. (“CNE”) provides electricity and energy-related services to retail customers in Ohio, as well as in 15 other states, the District of Columbia and two Canadian provinces. CNE serves over 15,000 megawatts of load and over 10,000 customers. CNE holds a certificate as a competitive retail electric service (“CRES”) provider from the Commission to engage in the sale of CRES to retail customers in Ohio.

Exelon Generation Company, LLC (“Exelon Generation”) owns or controls approximately 30,000 megawatts of generation, including nuclear, fossil, hydroelectric, solar, landfill gas, and wind generation assets. Exelon Generation is the nation’s largest nuclear operator, and the ninth largest wind energy generator. Exelon Generation owns the nation’s largest urban solar power plant, which is located in Chicago, and owns two of the largest hydroelectric facilities in the eastern United States. Exelon Generation sells wholesale energy and capacity products to municipalities, cooperatives, investor-owned utilities, retail suppliers, retail energy aggregators, merchant participants, power marketers, and major commodity trading houses.

Exelon has participated in the most recent American Electric Power electric security plan (“ESP III”) proceedings involving Ohio Power in Case No. 13-2385-EL-SSO, et al. That case is the precursor to the application in the matter at bar, for Ohio Power is asking to expand Rider PPA to include additional rate payer guarantees.

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 of the 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 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 (the "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 Exelon's intervention.

As part of its ESP III proposal in Case No. 13-2385-EL-SSO, et al., Ohio Power proposed the PPA Rider. Under this proposed PPA Rider, Ohio Power sought authority to pass through to customers the differential between PJM market prices and a cost-based contractual price. Ohio Power proposed initially to include the Ohio Valley Electric Corporation (OVEC) contractual entitlement in the PPA Rider. By this Application, Ohio Power is proposing to enter into a new affiliate power purchase agreement (PPA) between it and AEP Generation Resources, Inc. for inclusion in the PPA Rider that is pending approval in Case Nos. 13-2385-EL-SSO, et al. Ohio Power is seeking Commission consideration of this additional PPA in parallel with the pending ESP III Application. Ohio Power has also proposed an expedited procedural schedule in this matter.

Exelon has existing and potential business interests in the State that will be affected by the outcome of the proceeding. The Commission's decision in this matter will affect the viability of the competitive retail electric market in Ohio Power's service territory, in which Exelon provides electric power and other products and services to retail service customers. Exelon also intervened in and is party to the related PPA Rider Case Nos. 13-2385-EL-SSO, et al.

This motion to intervene meets any deadline established by the Attorney Examiner in these matters. The undersigned will accept service by electronic mail.

WHEREFORE, Constellation NewEnergy, Inc. and Exelon Generation Company, LLC respectfully requests that the Commission grant this motion for leave to intervene and that Constellation NewEnergy, Inc. and Exelon Generation Company, LLC be made a full party of record.

Respectfully Submitted,



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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 21st day of May, 2015 upon the persons/entities listed below.



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Summary: Motion Joint Motion to Intervene electronically filed by M HOWARD PETRICOFF
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