

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Ohio)	
Power Company for Authority to)	
Establish a Standard Service Offer)	Case No. 16-1852-EL-SSO
Pursuant to Section 4928.143, Revised)	
Code, in the Form of an Electric)	
Security Plan.)	

In the Matter of the Application of The)	
Ohio Power Company for Approval of)	Case No. 16-1853-EL-AAM
Certain Accounting Authority.)	

MOTION TO INTERVENE OF DYNEGY INC.

Dynegy Inc. ("Dynegy") respectfully moves to intervene in these cases pursuant to Ohio Revised Code Section 4903.221, and Ohio Administrative Code Rule 4901-1-11, as a full party of record. Dynegy owns over 5,000 megawatts of net capacity in Ohio, and Dynegy has business interests in both the wholesale markets and retail markets that will be affected by the proposed electric security plan extension. The attached Memorandum in Support further explains why Dynegy's intervention as a full party of record is warranted.

WHEREFORE, Dynegy respectfully requests that the Public Utilities Commission of Ohio grant this motion to intervene and that Dynegy be made a full party of record.

Respectfully submitted,

/s/ Michael J. Settineri

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**MEMORANDUM IN SUPPORT
OF DYNEGY INC.'S MOTION TO INTERVENE**

Dynegy has business interests in Ohio. Dynegy operates power generating facilities in Ohio, as well as in seven other states in the Midwest, the Northeast and the West Coast. Its portfolio consists of nearly 26,000 megawatts of generating facilities that are capable of generating enough electricity to power about 21 million homes nationwide. Dynegy also provides competitive retail electric services in Ohio (including in the service territory of Ohio Power Company). As a wholesale and retail market participant, Dynegy presents direct pecuniary interests that warrant its intervention in this proceeding.

Ohio Revised Code Section ("R.C.") 4903.221, and Ohio Administrative Code Rule 4901-1-11 set forth the standard for intervention in a proceeding as a full party of record. 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.

To determine 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*, R.C. 4903.221(B). A review of the intervention criteria in light of the following facts supports granting Dynegy's intervention.

On November 23, 2016, Ohio Power Company (“AEP Ohio”) filed an amended application to extend its third electric security plan (“ESP III-E”) for six years (June 2018 through May 2024). The ESP III-E would continue the ESP III but under the proposed extension terms. Among other things, those new terms include a proposal to serve its standard service offer load via generation from the Ohio Valley Electric Corporation (“OVEC”), as well as an interim order authorizing AEP Ohio to begin using that OVEC purchased power before the start of the ESP III-E (namely, in June 2017).¹ AEP Ohio would then discontinue its current Rider PPA, which the Commission approved in late 2016 and just became effective in January 2017.²

Dynegy’s business interests in Ohio as well as the wholesale markets will be directly affected by AEP Ohio’s proposed new use of the OVEC generation. If the new use of the OVEC generation is approved, AEP Ohio would very likely continue to retain its entitlement of OVEC generation for years and not divest its entitlement as the Commission has previously ordered.³ Dynegy would be competing in a market where the incumbent utility would be given a guaranteed recovery of costs (via regulatory order) for the generation it must purchase from OVEC, eliminating market incentives and operational risks for AEP Ohio at the OVEC plants. AEP’s entitlement to the OVEC generation, also, would no longer be offered/sold into the wholesale PJM markets and would be used to reduce the load available to suppliers in the standard service offer auctions.

¹ Amended Application at 4-5; Weiss Direct Testimony at 6-9.

² *In the Matter of the Application Seeking Approval of Ohio Power Company’s Proposal to Enter into an Affiliated Power Purchase Agreement for Inclusion in the Power Purchase Agreement Rider*, Case Nos. 14-1693-EL-RDR et al., Second Entry on Rehearing at ¶ 57 (November 3, 2016).

³ *In the Matter of the Application of Columbus Southern Power Company and Ohio Power Company for Authority to Establish a Standard Service Offer Pursuant to Section 4928.143, Revised Code, in the Form of an Electric Security Plan*, Case Nos. 11-346-EL-SSO et al, Opinion and Order at 59 (August 8, 2012); *In the Matter of the Application of Ohio Power Company for Approval of Full Legal Corporate Separation and Amendment to its Corporate Separation Plan*, Case No. 12-1126-EL-UNC, Finding and Order at ¶20 (December 4, 2013).

Dynegy's intervention and participation will enhance the proceeding as Dynegy will provide the unique perspective of a merchant generator with Ohio generation assets participating in the wholesale and the retail markets. Dynegy's unique interest in this proceeding cannot be represented by existing parties, and it has an interest that meets the criteria of R.C. 4903.221, and Ohio Administrative Code Rule 4901-1-11. As well, since no procedural schedule exists at this time, Dynegy's intervention will not delay the outcome of this proceeding.

For purposes of receiving service in the proceeding, in addition to the undersigned, Dynegy requests that the following individual be placed on the official service list:

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WHEREFORE, Dynegy respectfully requests that the Commission grant this motion to intervene for Dynegy as a full party of record.

Respectfully submitted,

/s/ Michael J. Settineri
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Gretchen L. Petrucci (0046608)
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CERTIFICATE OF SERVICE

The Public Utilities Commission of Ohio e-filing system will electronically serve notice of the filing of this document on the parties referenced in the service list on the Docket Card who have electronically subscribed to this case. In addition, the undersigned certifies that a courtesy copy of the foregoing document is also being served upon the persons below via electronic mail, this 11th day of January, 2017.

/s/ Michael J. Settineri

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