

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

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| In the Matter of the Application Seeking) | |
| Approval of Ohio Power Company's Proposal) | Case No. 18-1392-EL-RDR |
| to Enter into Renewable Energy Purchase) | |
| Agreements for Inclusion in the Renewable) | |
| Generation Rider) | |
|) | |
| In the Matter of the Application of Ohio) | Case No. 18-1393-EL-ATA |
| Power Company to Amend Its Tariffs) | |

**MOTION TO INTERVENE OF
THE KROGER CO.**

Pursuant to Section 4903.221, Revised Code and Rule 4901-1-11, Ohio Administrative Code, The Kroger Co. (Kroger) respectfully moves the Public Utilities Commission of Ohio (Commission) to intervene in this matter with the full powers and rights granted to intervening parties. As demonstrated in the attached memorandum in support, Kroger has real and substantial interests that this proceeding may adversely affect, and no existing parties adequately represent those interests. The Commission should grant this motion because Kroger satisfies the standard for intervention set forth by statute and in the Commission's rules. A memorandum in support is attached.

Respectfully submitted,

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MEMORANDUM IN SUPPORT

On September 27, 2018, the Ohio Power Company (AEP Ohio) filed an Application seeking approval from the Public Utilities Commission of Ohio (Commission) to include the costs associated with two solar energy projects. AEP Ohio seeks cost recovery for a 300 MW nameplate capacity solar facility and a 100 MW nameplate capacity solar facility, in the Renewable Generation Rider (Rider RGR). AEP Ohio also seeks approval to enter into two 20-year renewable energy purchase agreements for the solar projects' energy, capacity, and environmental attributes to facilitate the development of the solar resources and to amend its tariffs.¹ Specifically, AEP Ohio seeks cost recovery for the purchase agreements and debt equivalency costs through a nonbypassable charge for the life of the two renewable energy projects.² In the same Application, AEP Ohio asks the Commission to approve a "Green Tariff" that will give both shopping and non-shopping customers an option to purchase green power. AEP Ohio states that the revenues associated with customers' participation in the Green Tariff

¹ See Application (September 27, 2018); Direct Testimony of William A. Allen, et al. (September 27, 2018).

² Application at 1-2.

will offset a portion of the net cost of the two solar projects.³ AEP Ohio filed this Application roughly a week after it asked the Commission to amend its Long-Term Forecast Report (LTFR) in a separate proceeding and find that a need exists for AEP Ohio to procure at least 900 MW of renewable generation resources in Ohio.⁴

Section 4903.221, Revised Code, and Rule 4901-1-11, Ohio Administrative Code, establish the standard for intervention in the above-captioned proceeding. Section 4903.221, Revised Code, provides, in part, that any person “who may be adversely affected” by a Commission proceeding is entitled to seek intervention in that proceeding. Section 4903.221(B), Revised Code, further requires the Commission to consider the nature and extent of the prospective intervenor’s interest, the legal position advanced by the prospective intervenor and its probable relation to the merits of the case, whether the intervention by the prospective intervenor will unduly prolong or delay the proceeding, and the prospective intervenor’s potential contribution to a just and expeditious resolution of the issues involved.

Rule 4901-1-11, Ohio Adm. Code, permits intervention by a party who demonstrates a real and substantial interest in the proceeding and who is so situated that the disposition of the proceeding may impair or impede its ability to protect that interest and whose interest is not adequately represented by an existing party.

Kroger is one of the largest grocers in the United States, with numerous facilities served by AEP Ohio. The facilities operated by Kroger use electricity for food storage, lighting, heating, cooling, and distribution, often 24 hours a day, 7 days a week. Kroger’s electric distribution needs associated with its facilities in AEP Ohio’s service territory are considerable,

³ Id. at 3.

⁴ See *In the Matter of the 2018 Long-term Forecast Report on Behalf of Ohio Power Company and Related Matters*, Case No. 18-501-EL-FOR, Amendment to the Long-Term Forecast Report of Ohio Power Company (September 19, 2018).

and the costs associated with obtaining such services from AEP Ohio will be impacted by the outcome of this proceeding.

Therefore, Kroger has a direct, real, and substantial interest in the issues raised in this proceeding and is so situated that the disposition of this proceeding may, as a practical matter, impair or impede its ability to protect that interest. Kroger is regularly and actively involved in Commission proceedings,⁵ and, as in previous proceedings, Kroger's unique knowledge and perspective will contribute to the full development and equitable resolution of the factual issues in this proceeding, and Kroger's interest will not be adequately represented by other parties to this proceeding. Finally, this timely intervention will not unduly delay or prolong this proceeding.

Kroger satisfies the criteria set forth in Section 4903.221, Revised Code, and Rule 4901-1-11, Ohio Adm. Code, and is, therefore, authorized to intervene in the above-captioned proceeding with the full powers and rights granted by the Commission to intervening parties. Accordingly, Kroger respectfully requests that the Commission grant this motion for leave to intervene and that Kroger be made a full party of record.

⁵ See e.g., *In the Matter of the Application of Duke Energy Ohio, Inc., for Authority to Establish a Standard Service Offer Pursuant to R.C. 4928.143 in the Form of an Electric Security Plan, Accounting Modifications, and Tariffs for Generation Service*, Case Nos. 17-1263-EL-SSO; *In the Matter of the Application of The Ohio Power Company for Authority to Establish a Standard Service Offer Pursuant to R.C. 4928.143*, Case Nos. 16-1852-EL-SSO, et al.; *In the Matter of the Application of The Dayton Power and Light Company for Approval of its Electric Security Plan, et al.*, Case Nos. 16-395-EL-SSO, et al.

Respectfully submitted,

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Counsel for The Kroger Co.

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing was served upon all parties of record via electronic mail October 4, 2018.

/s/ Angela Paul Whitfield
Angela Paul Whitfield

This foregoing document was electronically filed with the Public Utilities

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Case No(s). 18-1392-EL-RDR, 18-1393-EL-ATA

Summary: Motion Motion To Intervene Of The Kroger Co. electronically filed by Mrs. Angela Whitfield on behalf of The Kroger Co.