

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the PowerForward Collaborative.	)	Case No. 18-1595-EL-GRD
In the Matter of the PowerForward Distribution System Planning Working Group.	)	Case No. 18-1596-EL-GRD
	)	
In the Matter of the PowerForward Data and Modern Grid Workgroup.	)	Case No. 18-1597-EL-GRD
	)	

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**MOTION TO INTERVENE  
BY  
THE OFFICE OF THE OHIO CONSUMERS' COUNSEL**

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The Office of the Ohio Consumers' Counsel ("OCC") moves to intervene in the above captioned cases where the Public Utilities Commission of Ohio ("PUCO") has established a PowerForward Collaborative, a Distribution System Planning Workgroup, and a Data and Modern Grid Workgroup. It is important for OCC to be involved in this process to protect Ohio's residential electric customers from additional charges for electric service resulting from the PowerForward Collaborative.<sup>1</sup> OCC is filing on behalf of Ohio's 4.2 million residential electric utility consumers. The reasons the PUCO should grant OCC's Motion are further set forth in the attached memorandum in support.

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<sup>1</sup> See R.C. Chapter 4911, R.C. 4903.221 and Ohio Adm. Code 4901-1-11.

Respectfully submitted,

Bruce Weston (#0016973)  
Ohio Consumers' Counsel

/s/ Christopher Healey

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In the Matter of the PowerForward Collaborative.	)	Case No. 18-1595-EL-GRD
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In these cases, the PUCO established a PowerForward Collaborative, a Distribution System Planning Workgroup, and Data and Modern Grid Workgroup, with the stated intent to innovate Ohio's electric utility industry for the purpose of enhancing the customer electricity experience. OCC is intervening to protect Ohio's 4.2 million residential electric consumers from additional charges resulting from the PowerForward Collaborative. The PUCO stated that the PowerForward Collaborative will be a broad, overarching group led by the PUCO Staff to function as an interactive forum tasked with monitoring, facilitating, and accommodating the evolution of an electricity marketplace that promotes innovation and the delivery of products and services which enhance the customer experience. Whether the effects of the PowerForward Collaborative will actually enhance the customer experience is dependent on many factors, including the customer-borne cost of enhancing the grid. OCC has authority under law to represent the interests of Ohio's 4.2 million residential electric utility customers, pursuant to R.C. Chapter 4911.

R.C. 4903.221 provides, in part, that any person “who may be adversely affected” by a PUCO proceeding is entitled to seek intervention in that proceeding. The interests of Ohio’s residential customers may be “adversely affected” by this case, especially if the residential customers were unrepresented in a proceeding that could result in charging customers more under the guise of providing customers benefits to enhance the electric grid. Thus, this element of the intervention standard in R.C. 4903.221 is satisfied.

R.C. 4903.221(B) requires the PUCO to consider the following criteria in ruling on motions to intervene:

- (1) The nature and extent of the prospective intervenor’s interest;
- (2) The legal position advanced by the prospective intervenor and its probable relation to the merits of the case;
- (3) Whether the intervention by the prospective intervenor will unduly prolong or delay the proceedings;
- (4) Whether the prospective intervenor will significantly contribute to full development and equitable resolution of the factual issues.

First, the nature and extent of OCC’s interest is representing the residential customers of the electric industry in these cases involving the potential benefits and burdens of the PowerForward-related recommendations from the Collaborative on residential customers. This interest is different than that of any other party and especially different than that of the electric utilities whose advocacy includes the financial interest of stockholders.

Second, OCC’s advocacy for residential customers will include advancing the position that rates should be no more than what is reasonable and lawful under Ohio law, for service that is adequate under Ohio law and that initiatives should provide as many

benefits as possible to as many customers as possible at the least cost. OCC's position is therefore directly related to the merits of these cases that are pending before the PUCO, the authority with regulatory control of public utilities' rates and service quality in Ohio.

Third, OCC's intervention will not unduly prolong or delay the proceedings. OCC, with its longstanding expertise and experience in PUCO proceedings, will duly allow for the efficient processing of the case with consideration of the public interest.

Fourth, OCC's intervention will significantly contribute to full development and equitable resolution of the factual issues. OCC will obtain and develop information that the PUCO should consider for equitably and lawfully deciding the case in the public interest.

OCC also satisfies the intervention criteria in the Ohio Administrative Code (which are subordinate to the criteria that OCC satisfies in the Ohio Revised Code). To intervene, a party should have a "real and substantial interest" according to Ohio Adm. Code 4901-1-11(A)(2). As the advocate for residential utility customers, OCC has a very real and substantial interest in this case where the PUCO will determine how to enhance the electric grid, and how it will affect residential customer service quality and cost.

In addition, OCC meets the criteria of Ohio Adm. Code 4901-1-11(B)(1)-(4). These criteria mirror the statutory criteria in R.C. 4903.221(B) that OCC already has addressed and that OCC satisfies.

Ohio Adm. Code 4901-1-11(B)(5) states that the PUCO shall consider "The extent to which the person's interest is represented by existing parties." While OCC does not concede the lawfulness of this criterion, OCC satisfies this criterion in that it uniquely has been designated as the state representative of the interests of Ohio's residential utility

customers. That interest is different from, and not represented by, any other entity in Ohio.

Moreover, the Supreme Court of Ohio (“Court”) confirmed OCC’s right to intervene in PUCO proceedings, in deciding two appeals in which OCC claimed the PUCO erred by denying its interventions. The Court found that the PUCO abused its discretion in denying OCC’s interventions and that OCC should have been granted intervention in both proceedings.<sup>2</sup>

OCC meets the criteria set forth in R.C. 4903.221, Ohio Adm. Code 4901-1-11, and the precedent established by the Supreme Court of Ohio for intervention. On behalf of Ohio residential customers, the PUCO should grant OCC’s Motion to Intervene.

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<sup>2</sup> See *Ohio Consumers’ Counsel v. Pub. Util. Comm.*, 111 Ohio St.3d 384, 2006-Ohio-5853, ¶¶13-20.

Respectfully submitted,

Bruce Weston (#0016973)  
Ohio Consumers' Counsel

/s/ Christopher Healey

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(All willing to accept service via email)

### **CERTIFICATE OF SERVICE**

I hereby certify that a copy of this *Motion to Intervene* was served on the persons stated below via electronic transmission, this 4<sup>th</sup> day of December 2018.

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Summary: Motion Motion to Intervene by the Office of the Ohio Consumers' Counsel electronically filed by Ms. Deb J. Bingham on behalf of Healey, Christopher Mr.