

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

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In the Matter of the PowerForward Distribution     )   Case No. 18-1596-EL-GRD  
System Planning Workgroup.                             )

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**MOTION TO INTERVENE BY THE OHIO ENVIRONMENTAL  
COUNCIL AND ENVIRONMENTAL DEFENSE FUND**

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The Ohio Environmental Council (“OEC”) and Environmental Defense Fund (“EDF”) respectfully move for leave to intervene in the above-captioned case, which the Public Utilities Commission of Ohio (“Commission”) initiated to establish the Distribution System Planning Workgroup (PWG). The purpose of the PWG is “to identify issues that currently exist, or that may arise in the integrated distribution planning process” and potentially “develop recommendations to the Commission” related to integrated distribution planning consistent with the August 29, 2018 report entitled *PowerForward: A Roadmap to Ohio's Electricity Future*. Entry (Oct. 24, 2018) at 2.

Pursuant to Ohio Revised Code § 4903.221 and Ohio Administrative Code 4901-1-11, the Public Utilities Commission of Ohio (“the Commission”) should grant OEC and EDF’s Motion because, as more fully discussed in the accompanying memorandum, OEC and EDF have a real and substantial interest in this proceeding, they represent interests separate from those of the already existing parties, and their contributions will lead to a just and expeditious resolution of the issues involved in the proceeding without causing undue delay.

OEC and EDF have provided a more detailed explanation of their standing in this case, reasons for intervention, and arguments why the Commission should grant their Motion in the accompanying Memorandum in Support.

Respectfully Submitted,

/s/Miranda Leppla

Miranda Leppla (0086351)

**Counsel of Record**

Trent Dougherty (0079817)

1145 Chesapeake Avenue, Suite I

Columbus, Ohio 43212-3449

(614) 487-7506 - Telephone

(614) 487-7510 - Fax

[mleppla@theOEC.org](mailto:mleppla@theOEC.org)

[tdougherty@theOEC.org](mailto:tdougherty@theOEC.org)

December 4, 2018

***Counsel for the Ohio Environmental  
Council and Environmental Defense Fund***

**BEFORE  
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**MEMORANDUM IN SUPPORT**

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**I. Introduction**

The Ohio Environmental Council (“OEC”) and Environmental Defense Fund (“EDF”) request to intervene in the above-captioned proceeding, in which the Public Utilities Commission of Ohio (“Commission” or “PUCO”) called for a Distribution System Planning Workgroup (PWG) “to identify issues that currently exist, or that may arise in the integrated distribution planning process” and potentially “develop recommendations to the Commission” related to distributed energy resources (“DERs”) as part of integrated distribution planning, consistent with the Commission’s August 29, 2018 report entitled *PowerForward: A Roadmap to Ohio’s Electricity Future*. Entry (Oct. 24, 2018) at 2. As described in the Entry opening this docket, the PWG may address topics including:

future scenarios for customer distributed energy resources adoption in Ohio, and how these scenarios should be incorporated into electric distribution utility (EDU) forecasting and planning processes; modifications to interconnection standards, including defining required functions and settings for advanced inverters; development of NWA suitability criteria, processes and timeline for implementing NWA opportunities; evaluation of options for procuring NWAs; defining hosting capacity analyses (HCA) use cases; identifying an appropriate HCA methodology and associated tools and data requirements to satisfy use cases; a timeline for initial HCA analysis and publication of results for each EDU; and development of portals for sharing information on peak load forecasts, capital plans, hosting capacity maps, heat maps reflecting locational value and other key data.

*Id.* The OEC and EDF seek to intervene in this proceeding.

As non-profit environmental advocacy organizations that focus heavily on environmental impacts of energy usage, the OEC and EDF have a special interest in the outcome of this case because of the impact of decisions related to DERs as part of integrated distribution planning process will have on Ohioans and their energy usage. Accordingly, OEC and EDF's interest in this proceeding arises from the direct and indirect impacts that the issues presented will have on the environment of the state of Ohio and the region, and the electricity costs of Ohioans.

## **II. Ohio law permits intervention of parties in cases before the Public Utilities Commission of Ohio.**

The Ohio Revised Code permits parties “who may be adversely affected by a public utilities commission proceeding [to] intervene in such proceeding.” R.C. § 4903.221. The Commission has four factors for consideration of such motions for intervention:

- (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. R.C. §4903.221(B).

This statute is further amplified by OAC §4901-1-11, which states that the Commission may permit intervention based on the following five factors:

- (1) 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.
- (2) Whether the intervention by the prospective intervenor will unduly prolong or delay the proceedings.
- (3) Whether the prospective intervenor will significantly contribute to full development and equitable resolution of the factual issues.
- (4) The extent to which the person's interest is represented by existing parties.

Ohio Admin. Code 4901-1-11(B). OEC and EDF satisfy this balancing test based on the argument discussed in detail in the remaining portions of this Memorandum.

**III. The Commission should grant the Ohio Environmental Council and Environmental Defense Fund’s Motion to Intervene in the proceeding.**

OEC and EDF respectfully request the Commission grant their Motion to Intervene. The OEC’s interest in the PWG process is fundamental to its mission to protect Ohio’s environment and ensure clean energy for all of the State’s citizens, and that interest will fundamentally assist the Commission decisions made as part of this docket. EDF’s interest in this case is similarly fundamental to its purpose to link science, economics, and law to create innovative, equitable and cost-effective solutions to society’s most urgent environmental problems. Further, the Ohio Supreme Court has emphasized that “intervention ought to be liberally allowed so that the positions of all persons with a real and substantial interest in the proceedings can be considered by the [Commission].”<sup>1</sup>

**a. The Ohio Environmental Council and Environmental Defense Fund have a real and substantial interest the proceeding.**

The OEC is a not-for-profit organization incorporated in Ohio under Section 501(c)(3) of the U.S. Internal Revenue Code, with approximately 3,000 individual members. Its main office is located at 1145 Chesapeake Avenue, Suite I, Columbus, Ohio 43212. The OEC’s principal purpose is to protect the natural resources and environment of the citizens of the State of Ohio. EDF is a national non-profit membership organization engaged in linking science, economics and law to create innovative, equitable and cost-effective solutions to society’s most urgent environmental problems. EDF has over 300,000 members nationwide and has 9,590 members in

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<sup>1</sup> *Ohio Consumers' Counsel v. Pub. Util. Comm.*, 111 Ohio St.3d 384, 2006-Ohio-5853, 856 N.E.2d 940, ¶ 20.

Ohio. The OEC and EDF have been active in Ohio working on environmental policies including smart power, climate change, natural gas fracking and sustainable agriculture. OEC and EDF also support state energy policies that reduce greenhouse gas emissions.

OEC and EDF both have a presence and membership in Ohio, and those members may be adversely affected by the outcome of the PWG process. OEC and EDF can best protect Ohio's environment and natural resources by pursuing a clean energy future for the state, which includes intervening in this case to ensure the protection and promotion of distributed energy resources such as cost-effective energy efficiency, demand reduction, and renewable energy as potential resources to address distribution system needs. OEC and EDF work to protect Ohio's environment by reducing air pollution coming from the electric power sector, and therefore have a real and substantial interest in the issues, and the outcome, of the Commission's considerations as part of the PWG. OEC and EDF therefore satisfy the first prong of the OAC's balancing test for permissive intervention before the Commission.

**b. The Ohio Environmental Council and Environmental Defense Fund's legal position will assist in a just resolution of this case.**

Because the decisions made as part of the PWG process will impact OEC and EDF's membership in Ohio, OEC and EDF seek to contribute to PWG discussions regarding valuation and integration of DERs as part of a modern distribution system. OEC and EDF will continue to provide additional resources and knowledge, as they did throughout the three phases of PowerForward grid modernization process, to assist the Commission in carefully reviewing and analyzing proposals brought forward as part of PWG process, working to ensure the outcome of this case contains important environmental benefits for Ohioans.

**c. The intervention of the Ohio Environmental Council and Environmental Defense Fund will not cause undue delay.**

OEC and EDF have timely filed this Motion to Intervene with the intention to pursue a fair adjudication of the merits of the above-captioned case. OEC and EDF have no intention to cause undue delay to the Commission's PWG process, and their experience in matters before the Commission illustrates their ability to participate without causing undue delay in any type of proceeding. OEC and EDF have been consistently involved in the development and enactment of S.B. 221 and the associated rules, including as a party in numerous cases before the Commission. OEC and EDF's intervention will not unduly prolong or delay the proceeding, but will in fact add value to the developments in this case.

Accordingly, OEC and EDF's intervention in this case will not cause undue delay.

**d. The Ohio Environmental Council and Environmental Defense Fund will contribute to a just and expeditious resolution of the issues involved in the proceeding.**

OEC and EDF will contribute to a just and expeditious resolution of the issues involved in the PWG proceeding because of their expertise in presenting relevant factors for the Commission's review of adjudicatory matters. OEC and EDF have a vast array of experience before the Commission, including throughout the three phases of PowerForward grid modernization effort. OEC and EDF have also been heavily involved in efficiency portfolio cases, rulemakings, electric utility ratemaking cases, grid modernization proceedings, and a host of other docketed cases before the Commission. Accordingly, OEC and EDF's perspectives will assist in the just and expeditious resolution of the issues and will not detract or confuse that process.

- e. **The Ohio Environmental Council and Environmental Defense Fund have different interests than those of existing parties, and they can represent those interests more effectively than existing parties.**

OEC and EDF intervene in the proceeding with a particular focus on the clean energy needs of Ohioans, and a desire to ensure Ohioans' money is used in a way that will best help them ensure a cleaner future for our state. OEC and EDF represent different interests and different constituents than those already existing parties, and thus the interests of the OEC and EDF are vital to the Commission's adjudication of the PWG proceeding. OEC and EDF also note that it is the Commission's stated policy "to encourage the broadest possible participation in its proceedings."<sup>2</sup> The Commission should not apply its intervention criteria in a manner that would favor one environmental or consumer advocate to the exclusion of others, and OEC and EDF request that their Motion to Intervene be granted.

#### **IV. Conclusion**

The OEC and EDF respectfully request that the Commission grant their Motion to Intervene in Case No. 18-1596-EL-GRD, the Commission's docketed case establishing the Distribution System Planning Workgroup. OEC and EDF have a real and substantial interest in the effect of this case on Ohio's clean energy future, and they have an important legal perspective in this proceeding. The OEC and EDF's intervention will not cause undue delay in the Commission's review, and the organizations will contribute to a just and expeditious resolution of the issues involved, while representing those interests more effectively than already existing parties. Finally, the Ohio Supreme Court has emphasized the liberal nature of the legal

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<sup>2</sup> *Cleveland Elec. Illum. Co.*, Case No. 85-675-EL-AIR, Entry dated January 14, 1986, at 2.



standard at play for intervention into Commission proceedings.<sup>3</sup> For the reasons stated in this Memorandum in Support, and because OEC and EDF meet all of the criteria established by R.C. 4903.221 and O.A.C. 4901-1-11(A)(5), OEC and EDF respectfully request that the Commission grant their Motion to Intervene in the above-captioned case.

Respectfully Submitted,

/s/ Miranda Leppla  
Miranda Leppla (0086351)  
**Counsel of Record**  
Trent Dougherty (0079817)  
1145 Chesapeake Avenue, Suite I  
Columbus, Ohio 43212-3449  
(614) 487-7506 - Telephone  
(614) 487-7510 - Fax  
[mleppla@theOEC.org](mailto:mleppla@theOEC.org)

December 4, 2018

***Counsel for the Ohio Environmental  
Council and Environmental Defense Fund***

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<sup>3</sup> See *Ohio Consumer's Council*, at ¶ 20.

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of this filing will be electronically served via the Public Utility Commission of Ohio's e-filing system and via email on all parties referenced in the service list of the docket.

/s/ Miranda Leppla  
Miranda R. Leppla

**This foregoing document was electronically filed with the Public Utilities**

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**Case No(s). 18-1596-EL-GRD**

Summary: Motion to Intervene and Memorandum in Support of the Ohio Environmental Council and Environmental Defense Fund electronically filed by Ms. Miranda R Leppla on behalf of Ohio Environmental Council and Environmental Defense Fund