

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

**MOTION TO INTERVENE BY  
THE ENVIRONMENTAL LAW & POLICY CENTER**

Pursuant to Ohio Revised Code 4903.221 and Ohio Administrative Code 4901-1-11, the Environmental Law & Policy Center (“ELPC”) respectfully moves to intervene in the above-captioned proceeding. As explained more thoroughly in the attached Memorandum in Support, ELPC has a real and substantial interest in this proceeding, which the Public Utilities Commission of Ohio (“Commission”) initiated to establish the 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 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.

Additionally, the interests of ELPC are not adequately represented by any other party to this matter and its participation in this proceeding will contribute to a just and expeditious resolution of the issues and questions. Further, ELPC's participation will not unduly delay the proceedings or prejudice any other party.

ELPC respectfully requests this Commission grant its motion to intervene for these reasons and those set forth in more detail in the attached Memorandum in Support.

December 4, 2018

Respectfully submitted,

/s/ Madeline Fleisher  
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In the Matter of the PowerForward )  
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**MEMORANDUM IN SUPPORT OF THE MOTION TO INTERVENE BY THE  
ENVIRONMENTAL LAW & POLICY CENTER**

Ohio Revised Code (“R.C.”) 4903.221 states that “[a]ny other person who may be adversely affected by a public utilities commission proceeding may intervene in such proceeding” provided the Commission makes certain determinations. In this proceeding, the Public Utilities Commission of Ohio (“Commission” or PUCO) has 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 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 Environmental Law & Policy Center (“ELPC”) seeks to intervene in this proceeding.

ELPC is a non-profit environmental advocacy organization whose mission is to improve the Midwest’s environmental quality and economic development. ELPC is an advocate for both environmental health and sustainable economic development, and has participated consistently in proceedings before the PUCO relating to programs to help customers save energy and choose clean energy resources. As a regional organization with a presence and members in Ohio, ELPC and its members may be adversely affected by the outcome of this proceeding, and its interests are not adequately represented by the other parties hereto.

R.C. 4903.221 requires the Commission to consider four factors when presented with a motion to intervene. In addition, the Commission’s procedural rules at Ohio Administrative Code (“Ohio Adm. Code”) 4901-11-1 similarly provide that it shall consider five factors when weighing a motion to intervene. ELPC’s motion meets all of the factors required by statute and rule.

Pursuant to R.C. 4903.221, the Commission must consider:

- (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; [and]
- (4) Whether the prospective intervenor will significantly contribute to full development and equitable resolution of the factual issues.

R.C. 4903.221(B).

With respect to the first factor, ELPC has a substantial interest in the PWG process. ELPC has an interest in ensuring 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. Further, ELPC has members in Ohio and its work focuses on Ohio energy and environmental issues. ELPC has participated actively in cases involving valuation of distributed energy resources such as energy efficiency plans and net metering policy, and an ELPC attorney served as a speaker in Phase 3 of the PowerForward proceeding leading up to the issuance of the Roadmap report. As to the second factor, because of the potential impacts on ELPC and its Ohio members, ELPC seeks to contribute to PWG discussions regarding valuation and integration of DERs as part of a modern distribution system.

Under the third factor, ELPC's inclusion will not unduly delay or prolong the proceeding, since the Commission has not set a procedural schedule for the PWG's efforts.

Finally, ELPC will significantly contribute to the full development and resolution of the PWG's work by bringing its unique perspective to bear. ELPC has expertise and experience throughout the Midwest regarding clean energy policy that will contribute to resolving the pending issues, and has participated in multiple proceedings in other states regarding distribution planning and DER valuation.

Similarly, ELPC meets the requirements set forth in Ohio Adm. Code 4901-11-1(B):

- (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;  
[and]
- (5) The extent to which the person's interest is represented by existing parties.

The first four factors mirror those in R.C. 4903.221, and for the same reasons as stated above, ELPC meets those factors. As to the fifth, ELPC maintains that no other party can adequately

represent its interests as a regional environmental advocacy organization that also focuses on “green” economic development, including new manufacturing and job creation.

As explained above, analysis of the test demonstrates that ELPC meets the criteria set forth in both R.C. 4903.221 and Ohio Adm. Code 4901-11-1, and we respectfully ask this Commission to grant this motion to intervene in the above-captioned proceedings.

December 4, 2018

Respectfully submitted,

/s/ Madeline Fleisher

Madeline Fleisher

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*Counsel for the Environmental Law &  
Policy Center*

### **CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the foregoing Motion to Intervene submitted on behalf of the Environmental Law & Policy Center was served by electronic mail, upon all Parties of Record on December 4, 2018.

/s Madeline Fleisher  
Madeline Fleisher

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

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Summary: Motion Motion to Intervene by the Environmental Law & Policy Center  
electronically filed by Madeline Fleisher on behalf of Environmental Law & Policy Center