

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Bolt                   )  
Energy, LLC for Certification as an                    ) Case No. 19-1562-EL-CRS  
Aggregator, Power Broker and Power                )  
Marketer.    )

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

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Bolt Energy, LLC (“Bolt”) has applied to provide services – including electricity marketing services – in Ohio to Ohioans.<sup>1</sup> In its upcoming ruling on Bolt’s application to market electricity to consumers, the PUCO will be examining whether Bolt has the managerial, technical, and financial capability to market and provide electric services to customers throughout Ohio.<sup>2</sup>

The Office of the Ohio Consumers’ Counsel (“OCC”) is the state representative of Ohioans as utility consumers and moves to intervene in this case for purposes of consumer protection.<sup>3</sup> Consumers, including those who might become customers of Bolt, may be adversely affected if the Application in this case is granted.

OCC seeks intervention to, among other things, provide consumer protection regarding Bolt’s application to provide electricity marketing services to the public. The reasons the Public Utilities Commission of Ohio (“PUCO”) should grant OCC’s Motion are further set forth in the attached Memorandum in Support.

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<sup>1</sup> Application, at pp. 2-3 (seeking to serve customers in the electric distribution territories of FirstEnergy, Duke Energy, Monongahela Power, American Electric Power, and Dayton Power & Light.)

<sup>2</sup> Bolt was issued a certificate to market retail gas supply services on August 15, 2018 in Case No. 18-1120-GA-CRS.

<sup>3</sup> See R.C. Chapter 4911, R.C. 4903.221, and Ohio Adm. Code 4901-1-11.

Respectfully submitted,

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Ohio Consumers' Counsel

/s/ Angela O'Brien

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**MEMORANDUM IN SUPPORT**

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Bolt seeks authority to operate as an electricity marketer to utility customers throughout Ohio. OCC has authority under the law to represent the interests of all residential utility customers, per 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 residential customers in Ohio may be “adversely affected” by this case, especially if those customers were unrepresented in this proceeding where the PUCO will be determining whether Bolt has the managerial, technical, and financial capability to market and provide electric supply services throughout Ohio. 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 residential utility customers regarding Bolt's application to market and provide electric supply services. This interest is different from that of any other party, and especially different from that of Bolt, whose advocacy includes the financial interest of its members.

Second, OCC's advocacy for residential customers will include, among other things, advancing positions about Bolt's managerial, technical and financial capabilities to market electricity services to consumers. OCC's position is therefore directly related to the merits of this case pending before the PUCO, the authority with regulatory control of energy marketing 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 the full development and equitable resolution of the factual issues. OCC will obtain and develop information that the PUCO should consider to equitably and lawfully decide 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 that involves Bolt’s marketing and provision of electric supply services to Ohio customers.

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 “[t]he 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>4</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>4</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/ Angela O'Brien  
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(willing to accept service by e-mail)

**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 22nd day of August 2019.

/s/ Angela O'Brien  
Angela O'Brien  
Assistant Consumers' Counsel

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Summary: Motion Motion to Intervene by the Office of the Ohio Consumers' Counsel  
electronically filed by Mrs. Tracy J Greene on behalf of O'Brien, Angela