

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

| | | |
|---|---|-------------------------------|
| In the Matter of the Application of Ohio |) | |
| Power Company for an Increase in |) | Case No. 20-585-EL-AIR |
| Electric Distribution Rates. |) | |
| In the Matter of the Application of Ohio |) | Case No. 20-586-EL-ATA |
| Power Company for Tariff Approval. |) | |
| In the Matter of the Application of Ohio |) | |
| Power Company for Approval to Change |) | Case No. 20-587-EL-AAM |
| Accounting Methods. |) | |

**MOTION TO INTERVENE OF
CONSTELLATION NEWENERGY, INC.**

Constellation NewEnergy, Inc. (“Constellation”) moves to intervene in these proceedings as a full party of record under Ohio Revised Code Section (“R.C.”) 4903.221 and Ohio Administrative Code Rule (“Rule”) 4901-1-11. The reasons supporting the intervention are contained in the accompanying Memorandum in Support. Constellation respectfully requests that the Public Utilities Commission of Ohio (“Commission”) grant this motion to intervene and that Constellation be made a full party of record.

Respectfully Submitted,

/s/ Gretchen L. Petrucci
Michael J. Settineri (0073369), Counsel of Record
Gretchen L. Petrucci (0046608)
Vorys, Sater, Seymour and Pease LLP
52 East Gay Street
Columbus, OH 43215
Telephone 614-464-5462
mjsettineri@vorys.com
glpetrucci@vorys.com
(Both are willing to accept service via e-mail)

Counsel for Constellation NewEnergy, Inc.

**MEMORANDUM IN SUPPORT OF
THE MOTION TO INTERVENE**

R.C. 4903.221 and Ohio Adm.Code 4901-1-11 establish the standard for intervention in the above-styled proceedings as a full party of record. Rule 4901-1-11 states in part:

(A) Upon timely motion, any person shall be permitted to intervene in a proceeding upon a showing that:

* * *

(2) The person has a real and substantial interest in the proceeding, and the person is so situated that the disposition of the proceeding may, as a practical matter, impair or impede his or her ability to protect that interest, unless the person's interest is adequately represented by existing parties.

In deciding whether to allow intervention, the Commission considers the nature of the intervenor's interest, the extent that interest is represented by existing parties, the intervenor's potential contribution to a just and expeditious resolution of the issues involved, and whether intervention would result in an undue delay of the proceeding. *Id.* See also R.C. 4903.221(B) upon which the above rule is authorized. A review of these factors in light of the following facts supports granting intervention to Constellation.

Constellation is a knowledgeable and experienced retail energy supplier. Constellation and its affiliates have been active in the Ohio retail electric and natural gas markets for years, providing service to residential, commercial, industrial and governmental customers. Constellation actively participates in the competitive market in AEP Ohio's service territory.

In these proceedings, Ohio Power Company ("AEP") seeks approval to increase its electric distribution rates. AEP also proposes to change many terms and conditions in its tariffs including changes to terms affecting the utility-supplier relationship and the supplier-customer relationship. See e.g., Proposed Sheets 103-23 through 103-58.

Constellation meets the Commission's standards for intervention and the Commission should make Constellation a full party to these proceedings. First, Constellation has a real, direct and substantial interest in the proposals presented by AEP in this proceeding. Second, Constellation's motion is timely filed and its participation will not unduly prolong or delay the proceedings. Third, Constellation's interest is not adequately represented by any of the existing parties. Fourth, Constellation knows AEP Ohio's market and the issues involved in these proceedings. Thus, Constellation will contribute significantly to the full development and equitable resolution of the factual issues.

Constellation satisfies the requirements for intervention in these proceedings. Constellation requests that the Commission grant this motion to intervene under R.C. 4903.221 and Ohio Adm.Code 4901-1-11 and make Constellation a full party of record.

Respectfully Submitted,

/s/ Gretchen L. Petrucci

Michael J. Settineri (0073369), Counsel of Record

Gretchen L. Petrucci (0046608)

Vorys, Sater, Seymour and Pease LLP

52 E. Gay Street

Columbus, OH 43215

Telephone 614-464-5462

Facsimile 614-719-5146

msettineri@vorys.com

glpetrucci@vorys.com

(Both are willing to accept service via e-mail)

Counsel for Constellation NewEnergy, Inc.

CERTIFICATE OF SERVICE

The Public Utilities Commission of Ohio's e-filing system will electronically serve notice of the filing of this document on the parties referenced on the service list of the docket card who have electronically subscribed to the case. In addition, the undersigned certifies that a courtesy copy of the foregoing document is also being served (via electronic mail) on the 18th day of December 2020 upon all persons/entities listed below:

| | |
|---|--|
| Ohio Power Company | stnourse@aep.com cmblend@aep.com christopher.miller@icemiller.com egallon@porterwright.com |
| Armada Power, LLC | msettineri@vorys.com glpetrucci@vorys.com dromig@armadapower.com |
| ChargePoint, Inc. | dborchers@bricker.com kherrnstein@bricker.com jspottswood@bricker.com |
| Clean Fuels Ohio | mfleisher@dickinsonwright.com |
| Direct Energy Business, LLC and Direct Energy Services, LLC | whitt@whitt-sturtevant.com fykes@whitt-sturtevant.com |
| Environmental Law & Policy Center | ccox@elpc.org rkelter@elpc.org |
| Industrial Energy Users-Ohio | mpritchard@mcneeslaw.com rglover@mcneeslaw.com bmckenney@mcneeslaw.com |
| Interstate Gas Supply, Inc. | bethany.allen@igs.com joe.oliker@igs.com michael.nugent@igs.com |
| Natural Resources Defense Council | rdove@keglerbrown.com |
| Nationwide Energy Partners, , LLC | msettineri@vorys.com glpetrucci@vorys.com |
| Ohio Consumers' Counsel | angela.obrien@occ.ohio.gov christopher.healey@occ.ohio.gov |
| Ohio Energy Group | mkurtz@BKLawfirm.com kboehm@BKLawfirm.com jkylercohn@BKLawfirm.com |
| Ohio Environmental Council | ctavenor@theOEC.org tdougherty@theOEC.org mleppa@theOEC.org |

| | |
|--|--|
| Ohio Hospital Association | dparram@bricker.com rmains@bricker.com |
| Ohio Manufacturers' Association Energy Group | bojko@carpenterlipps.com |
| Ohio Partners for Affordable Energy | rdove@keglerbrown.com |
| One Energy Enterprises LLC | ktreadway@oneenergylc.com dstinson@bricker.com mwarnock@bricker.com hogan@litohio.com little@litohio.com |
| The Kroger Company | paul@carpenterlipps.com |
| Walmart, Inc. | cgrundmann@spilmanlaw.com dwilliamson@spilmanlaw.com |
| Staff of the Public Utilities Commission of Ohio | werner.margard@ohioattorneygeneral.gov kyle.kern@ohioattorneygeneral.gov |

/s/ Gretchen L. Petrucci
Gretchen L. Petrucci

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

12/18/2020 4:29:49 PM

in

Case No(s). 20-0585-EL-AIR, 20-0586-EL-ATA, 20-0587-EL-AAM

Summary: Motion Motion to Intervene electronically filed by Mrs. Gretchen L. Petrucci on behalf of Constellation NewEnergy, Inc.