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BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

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In the Matter of the Application of Columbus)
Southern Power Company for Approval of)
an Electric Transition Plan and Application)
for Receipt of Transition Revenues.)

Case No. 99-1729-EL-ETP **PUCCO**

In the Matter of the Ohio Power Company)
for Approval of Electric Transition Plan and)
Application for Receipt of Transition Revenues.)

Case No. 99-1730-EL-ETP

MOTION TO INTERVENE BY

**ENRON ENERGY SERVICES, INC.
NEWENERGY MIDWEST, LLC
WPS ENERGY SERVICES, INC.**

**AND CONSOLIDATION AS THE
OHIO MARKETER'S COALITION**

Now comes, NewEnergy Midwest, LLC ("NewEnergy"), WPS Energy Services, Inc. ("WPS") and Enron Energy Services, Inc. ("Enron") who are power marketers in the business of selling power and move for intervention individually to be parties of record pursuant to Section 4903.221 Revised Code and Rule 4901-1-11 of the Ohio Administrative Code.

In keeping with the Commission's policy of having like interests jointly present their position when possible, Enron, WPS and NewEnergy, to the extent possible, have agreed to consolidate their participation in the above styled proceedings.

MEMORANDUM IN SUPPORT

On December 30, 1999 Ohio Power Company and Columbus Southern Power Company, operating companies of the American Electric Power Company, Inc. who have

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franchised service areas in the state of Ohio (hereinafter jointly "AEP") filed transition plans, as called for in Chapter 4928 of the Revised Code. The filed transition plans contain unbundled tariffs for all classes of services, as well as a request for authorization to collect transition revenues and seek approval for certain accounting changes. Enron, WPS and NewEnergy are power markets, who currently are in the business of selling electric power on the retail and wholesale level in states that have already opened their power markets to competition.

One of the expressed purposes of the recently passed Ohio deregulation bill is to:

Ensure diversity of electricity supplies and suppliers, by giving consumers effective choices over the selection of those supplies and suppliers and by encouraging the development of distributed and small generation facilities.

Section 4928.02 (C) Revised Code.

To bring about such a robust, and functioning market for power by the close of the transition period all the investor owned utilities, including AEP, are required to file detailed transition plans. In turn the plans must include a method for unbundling the generation portion of rates, establish a corporate separation between regulated and unregulated functions and provide for a code of conduct when dealing with affiliated entities. Further, the applicant's transmission facilities have to be integrated into a regional transmission entity and provide reasonable access so that unaffiliated power can be brought in to the end use customers. As such all these subject areas directly affect power marketers who choose to participate in the Ohio power market.

Section 4903.221(B), Revised Code requires the Commission to consider the following criteria in ruling upon 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.

As to the criteria in subsections (1), (2) and (4), the three above named power marketers have a direct and substantial interest in this application. As of this writing Enron, WPS and NewEnergy intend to market power upon deregulation, and file for certificates as Electric Services Companies as defined in Section 4928.01(A)(9). Thus all three power marketers will be directly affected by the portion of the AEP companies' plans which set qualifications for marketers to participate on the AEP systems and for aggregation of end use customers. The three power marketers shall also have a direct interest in the rates for distribution and the penalties associated with the balancing of power brought on the system to meet aggregated demand. The applications in the matter at bar, in accordance with Section 4928.17 Revised Code, contain separation plans and codes of conduct; the purpose of which is in large measure to protect the class of independent marketers to whom Enron, WPS and NewEnergy belong. The three marketers also have a direct interest in the adequacy of transmission access, sufficiency of the operational support programs, and sufficiency of the shopping credit.

In sum, if the Commission is going to meet the State Policy goal of a diverse set of suppliers, offering meaningful choices to consumers, the views of these three power marketers must be heard in these proceedings.

Criteria (3) asks whether the intervention will delay or unduly prolong the proceeding. Since we are at the very beginning of the proceeding no delay in discovery or hearing dates will be caused by the intervention. Enron, WPS and NewEnergy believe that there will be unanimity on most issues between their companies, and thus have agreed to proceed jointly advocating their positions. This should eliminate duplicative pleadings and discovery. However, the agreement between the three power marketers recognizes that on any given issue unanimity may not be possible. Thus the three companies ask for intervention individually so if there is a difference in views each power marketer may present their position to the Commission.

WHEREFORE, in light of its substantial interest, Enron, WPS and NewEnergy each request admission as a full party of record in the above styled proceedings.

Respectfully submitted,



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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on January 14, 2000 a copy of the foregoing Motion to Intervene by Enron Energy Services, Inc., WPS Energy Services, Inc. and NewEnergy Midwest, LLC was served on Marv Resnik, the applicants' counsel, and all persons listed on the attached service list obtained from the Commission's docketing department.



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