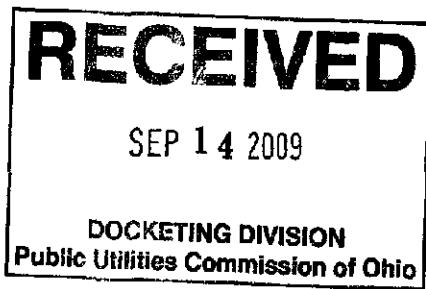


FILE

FAX



Will Reisinger  
Staff Attorney  
The Ohio Environmental Council  
1207 Grandview Avenue, Ste. 201  
Columbus, Ohio 43212

Ms. Renee Jenkins  
Director of Administration  
Secretary of the Commission, Docketing Division  
The Public Utilities Commission of Ohio  
180 East Broad Street  
Columbus, Ohio 43215-3793

September 14, 2009

Re: In the Matter of the Adoption of a Portfolio Plan Template for Electric Utility  
Energy Efficiency and Peak-Demand Reduction Programs.  
Case No. 09-714- EL-UNC

Ms. Jenkins:

Enclosed are copies of a Motion to Intervene in the above-captioned matter by the Ohio  
Environmental Council. Please contact me if you have any questions.

Sincerely,

A handwritten signature in dark ink, appearing to read "W Reisinger".

Will Reisinger

This is to certify that the images appearing are an  
accurate and complete reproduction of a case file  
document delivered in the regular course of business.  
Technician SM Date Processed SEP 15 2009

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Adoption of a	)	
Portfolio Plan Template for Electric	)	Case No. 09-714-EL-UNC
Utility Energy Efficiency and Peak-	)	
Demand Reduction Programs.	)	

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**MOTION TO INTERVENE  
BY  
THE OHIO ENVIRONMENTAL COUNCIL**

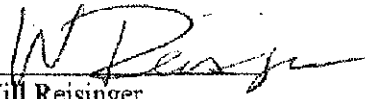
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The Ohio Environmental Council ("OEC") hereby moves to intervene in the above-captioned matter. This case relates to the requirements set forth in S.B. 221, R.C. 4928.66, and O.A.C. 4901:1-39-04, which require each electric utility to develop energy efficiency and demand reduction ("PDR") portfolios. The Public Utilities Commission of Ohio ("Commission") has stated that staff will consider comments regarding the Commission's draft efficiency PDR and energy efficiency template.

As more fully discussed in the accompanying memorandum, the Ohio Environmental Council ("OEC") has a real and substantial interest in this proceeding, and the disposition of this case may impede its ability to protect that interest. The interests of OEC, Ohio's largest non-profit environmental advocacy organization, are not currently represented by any existing party, and its participation in this proceeding will contribute to a just and expeditious resolution of the issues involved. OEC's participation will not unduly delay the proceeding or unjustly prejudice any existing party. Accordingly, OEC hereby moves to intervene in this proceeding pursuant to R.C. 4903.221 and O.A.C. 4901-1-11.

WHEREFORE, OEC respectfully requests that the Commission grant its motion to intervene.

Respectfully Submitted,



Will Reisinger

Staff Attorney for the Ohio Environmental  
Council

1207 Grandview Avenue, Suite 201

Columbus, Ohio 43212-3449

(614) 487-7506 - Telephone

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[will@theOEC.org](mailto:will@theOEC.org) - Email

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Adoption of a	)	
Portfolio Plan Template for Electric	)	Case No. 09-714-EL-UNC
Utility Energy Efficiency and Peak-	)	
Demand Reduction Programs.	)	

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**MEMORANDUM IN SUPPORT  
BY  
THE OHIO ENVIRONMENTAL COUNCIL**

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R.C. Section 4903.221 provides that any "person who may be adversely affected by a public utilities commission proceeding may intervene in such proceeding." The OEC is a non-profit, charitable organization whose mission is to secure a healthier environment for all Ohioans. Throughout its 40-year history, OEC has been a leading advocate for fresh air, clean water, and sustainable land and energy use. OEC was an active participant in the effort that led to the inclusion of demand reduction and energy efficiency requirements in S.B. 221. OEC has a real and substantial interest in assuring that the compliance standards set forth by S.B. 221 are complied with. Thus, there can be no question that OEC has an interest in and may be adversely affected by the disposition of this case.

R.C. 4903.221(B) outlines four factors that the Commission shall consider when ruling on a motion to intervene in a proceeding. First, pursuant to R.C. 4903.221(B)(1), the Commission shall consider "The nature and extent of the prospective intervenor's interest." OEC, as an environmental advocacy organization, has a special interest in ensuring that the energy efficiency and demand reduction benchmarks are met in a manner which comports with the letter and intent of S.B. 221.

Second, pursuant to R.C. 4903.221(B)(2), the Commission shall consider "The legal position advanced by the prospective intervenor and its probable relation to the merits of the case." OEC's legal position and comments are more fully outlined in comments filed jointly with the Ohio Consumer and Environmental Advocates.<sup>1</sup>

Third, pursuant to R.C. 4903.221(B)(3), the Commission shall consider "Whether the intervention by the prospective intervenor will unduly prolong or delay the proceedings." OEC has significant experience dealing with efficiency and PDR questions before the Commission and will not seek to delay the proceeding. OEC's intervention will not unduly prolong or delay these proceedings.

Fourth, pursuant to R.C. 4903.221(B)(4), the Commission shall consider "Whether the prospective intervenor will significantly contribute to full development and equitable resolution of the factual issues." OEC has actively participated in the development of the efficiency and PDR benchmarks established by S.B. 221. As an active participant in cases before the Commission, the OEC has developed expertise that will contribute to the full development of the legal questions involved in this proceeding.

OEC also satisfies the intervention requirements outlined in the Commission's rules. The criteria for intervention established by O.A.C. 4901-1-11(A) are identical to those provided by R.C. 4903.221, with the exception that the rules add a fifth factor that the Commission shall consider when ruling on a motion to intervene. Pursuant to O.A.C. 4901-1-11(A)(5), the Commission shall consider "The extent to which the [intervenor's] interest is represented by existing parties." OEC's interest is not fully represented by the existing parties. OEC is the leading advocate for Ohio's environment. No other party to this proceeding has the mission of

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<sup>1</sup> "Comments" filed by the Ohio Consumer and Environmental Advocates (September 11, 2009.)

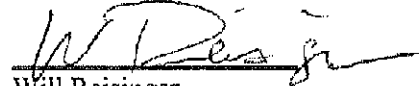
securing healthy air for all Ohioans, and no other party has been a continuous participant in efficiency and PDR cases before the Commission for the sole purpose of furthering this mission.

Finally, 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.

OEC meets all the criteria established by R.C. 4903.221 and O.A.C. 4901-1-11(A)(5) and therefore should be granted intervenor status in this proceeding.

WHEREFORE, OEC respectfully requests that the Commission grant its motion to intervene.

Respectfully Submitted,



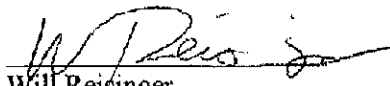
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<sup>2</sup> *Cleveland Elec. Illum. Co.*, Case No. 85-675-EL-AIR, (Entry dated January 14, 1986, at 2)

### CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing Motion to Intervene has been served upon the following parties by electronic mail this 14<sup>th</sup> day of September, 2009.



Will Reisinger  
Staff Attorney for the Ohio  
Environmental Council

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