

FILE

BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of Columbus )  
Southern Power Company for Amendment of ) Case No. 09-987-EL-EEC  
the 2009 Solar Energy Resource Benchmark, )  
Pursuant to Section 4928.64(C)(4), Ohio )  
Revised Code. )

In the Matter of the Application of Ohio Power )  
Company for Amendment of the 2009 Solar ) Case No. 09-988-EL-EEC  
Energy Resource Benchmark, Pursuant to )  
Section 4928.64(C)(4), Ohio Revised Code )

OHIO PARTNERS FOR AFFORDABLE ENERGY'S  
MOTION TO INTERVENE  
AND MEMORANDUM IN SUPPORT  
AND MOTION TO PRACTICE PRO HAC VICE  
BEFORE THE COMMISSION

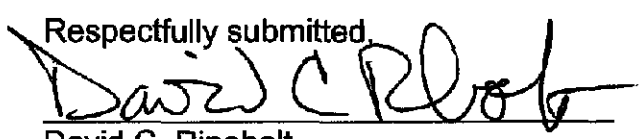
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Ohio Partners for Affordable Energy ("OPAE") hereby respectfully moves the Public Utilities Commission of Ohio ("Commission") for leave to intervene in the above-captioned applications pursuant to R.C. §4903.221 and Section 4901-1-1-11 of the Commission's Code of Rules and Regulations, with full powers and rights granted by the Commission specifically, by statute or by the provisions of the Commission's Code of Rules and Regulations to intervening parties. The reasons for granting this motion are contained in the memorandum attached hereto and incorporated herein.

Respectfully submitted,



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Colleen L. Mooney  
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**MEMORANDUM IN SUPPORT OF MOTION TO INTERVENE**

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Ohio Partners for Affordable Energy ("OPAE") should be permitted to intervene in these applications pursuant to Section 4903.22.1, Revised Code, and the Commission's Rules and Regulations contained in Rule 4901-01-11 of the Ohio Administrative Code. The above-referenced applications concern a request by Columbus Southern Power Company and Ohio Power Company (together, "Companies") for a reduction in their 2009 Solar Energy Resource benchmark pursuant to Section 4928.64, Revised Code. The applications state that the Companies have made efforts to comply with the 2009 benchmark but have not achieved compliance. The Companies request that their benchmark be reduced pursuant to the Commission's force majeure authority under Section 4928.64(C)(4), Revised Code. The Companies also request that the Commission increase their 2010 benchmark by adding the Companies' 2009 shortfall to the 2010 benchmark.

In determining whether to permit intervention, the following criteria are to be considered: the nature of the person's interest; the extent to which that interest is represented by existing parties; the person's potential contribution to a just and expeditious resolution of the proceeding; and, whether granting the intervention will

unduly delay or unjustly prejudice any existing party. OPAE meets all four criteria for intervention in these applications.

OPAE is an Ohio corporation with a stated purpose of advocating for affordable energy policies for low and moderate income Ohioans; as such, OPAE has a real and substantial interest in these applications, which will address the Companies' compliance with the 2009 solar energy resource benchmark of S.B. 221. Additionally, OPAE includes as members non-profit organizations located in the service areas that will be affected by these applications.<sup>1</sup> Moreover, many of OPAE's members are community action agencies. Under the federal legislation authorizing the creation and funding of these agencies, originally known as the Economic Opportunity Act of 1964, community action is charged with advocating for low-income residents of their communities.<sup>2</sup>

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<sup>1</sup> A list of OPAE members can be found on the website: [www.ohiopartners.org](http://www.ohiopartners.org).

<sup>2</sup> See 42 U.S.C. 672:

The purposes of this subtitle are--

(1) to provide assistance to States and local communities, working through a network of community action agencies and other neighborhood-based organizations, for the reduction of poverty, the revitalization of low-income communities, and the empowerment of low-income families and individuals in rural and urban areas to become fully self-sufficient (particularly families who are attempting to transition off a State program carried out under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.)); and

(2) to accomplish the goals described in paragraph (1) through--

(A) the strengthening of community capabilities for planning and coordinating the use of a broad range of Federal, State, local, and other assistance (including private resources) related to the elimination of poverty, so that this assistance can be used in a manner responsive to local needs and conditions;

(B) the organization of a range of services related to the needs of low-income families and individuals, so that these services may have a measurable and potentially major impact on the causes of poverty in the community and may help the families and individuals to achieve self-sufficiency;

(C) the greater use of innovative and effective community-based approaches to attacking the causes and effects of poverty and of community breakdown;

(D) the maximum participation of residents of the low-income communities and members of the groups served by programs assisted through the block grants made under this subtitle to empower such residents and members to respond to the unique problems and needs within their communities; and

(E) the broadening of the resource base of programs directed to the elimination of poverty so as to secure a more active role in the provision of services for--

(i) private, religious, charitable, and neighborhood-based organizations; and

(ii) individual citizens, and business, labor, and professional groups, who are able to influence the quantity and quality of opportunities and services for the poor.

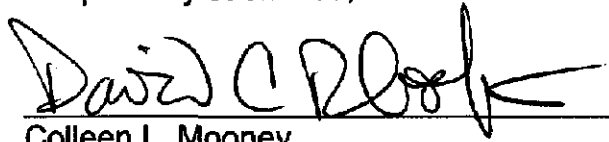
OPAE also provides essential services in the form of bill payment assistance programs and weatherization and energy efficiency services to low income customers of the Companies. OPAE members are also ratepayers of the Companies.

OPAE's primary interest in these cases is to protect the interests of low and moderate income Ohioans and OPAE members whose provision of electric service will be affected by these applications. OPAE also seeks to ensure that the outcome of these applications promotes energy efficiency programs and alternative energy resources for low and moderate income Ohioans. OPAE will also address any other issues that may arise during consideration of these matters. Further, OPAE has been recognized by the Commission in the past as an advocate for consumers and particularly low-income consumers, all of whom will be affected by the outcome of these applications.

For the above reasons, OPAE has a direct, real and substantial interest in these matters. The disposition of these matters may impair or impede OPAE's ability to protect its interests. No other party to the matters will adequately represent the interests of OPAE. OPAE is a rare organization that serves as an advocate, service provider and nonprofit customer group. No other party represents this group of interests. OPAE's participation in these matters will not cause undue delay, will not unjustly prejudice any existing party, and will contribute to the just and expeditious resolution of the issues raised by these applications.

Therefore, OPAE is entitled to intervene in these applications with the full powers and rights granted by statute and by the provisions of the Commission's Codes of Rules and Regulations to intervening parties.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "David C. Rinebolt", written over a horizontal line.

Colleen L. Mooney

David C. Rinebolt

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**MOTION TO ADMIT DAVID C. RINEBOLT TO PRACTICE  
PRO HAC VICE BEFORE THE COMMISSION**

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Pursuant to Rule 4901-1-08(B) of the Ohio Administrative Code, Colleen L. Mooney (0015668), an attorney licensed to practice in the State of Ohio, respectfully petitions the Commission to permit David C. Rinebolt to practice *pro hac vice* before the Commission in the above-referenced cases. Mr. Rinebolt represents Ohio Partners for Affordable Energy, which is an Ohio corporation engaged in advocating for affordable energy policies.

Mr. Rinebolt graduated from the Columbus School of Law of the Catholic University of America in May 1981. As an active member of the District of Columbia Bar, Bar No. 367210, Mr. Rinebolt is licensed to practice before the federal courts of the District of Columbia. Furthermore, Mr. Rinebolt has practiced law continuously since being admitted to the District of Columbia bar in October 1982. He has been granted permission to practice *pro hac vice* before this Commission on numerous occasions.

WHEREFORE, Colleen L. Mooney respectfully requests that David C. Rinebolt be permitted to practice before the Commission in the aforementioned dockets.

Respectfully submitted,

*Colleen L. Mooney* *DCR*

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## CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion to Intervene and Memorandum of Support and Motion to Practice Pro Hac Vice was served by regular U.S. Mail upon the following parties identified below in these cases on this 13th day of November 2009.



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