

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of
Columbus Southern Power Company for
Amendment of the 2009 Solar Energy
Resource Benchmark, Pursuant to
Section 4928.64(C)(4), Ohio Revised
Code.

Case No. 09-0987-EL-EEC

In the Matter of the Application of
Ohio Power Company for Amendment
of the 2009 Solar Energy Resource
Benchmark, Pursuant to Section
4928.64(C)(4), Ohio Revised Code.

Case No. 09-0988-EL-EEC

**MOTION TO INTERVENE
BY
THE VOTE SOLAR INITIATIVE**

The Vote Solar Initiative (“Vote Solar”) moves to intervene in this case in which Columbus Southern Power Company (“CSP”) and Ohio Power Company (“OP”) (collectively, “AEP-Ohio” or “Companies”) filed for a *force majeure* determination related to the 2009 solar energy resource requirements, as specified under Section 4928.64, Revised Code.

As more fully discussed in the accompanying memorandum, Vote Solar 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 Vote Solar 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. Vote Solar’s participation will not unduly delay the proceeding or unjustly prejudice any existing party. Accordingly, Vote Solar hereby moves to intervene in this proceeding pursuant to R.C. 4903.221 and O.A.C. 4901-1-11.

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

Respectfully Submitted on behalf of The
Vote Solar Initiative,

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MEMORANDUM IN SUPPORT

I. MOTION TO INTERVENE

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.” Vote Solar is a non-profit organization with the mission of removing barriers for the widespread adoption of solar energy. Since 2002, Vote Solar has worked on policy to develop stable and sustainable solar markets in states across the country. Vote Solar has individual members across the country including over 800 members in Ohio. Vote Solar members are ratepayers in the State of Ohio and will be adversely affected by the decisions of this Commission on solar policy. Vote Solar members are residential solar energy systems owners, business persons in the solar industry and engaged citizens concerned about developing and meeting solar energy requirements for all intents and purposes of the Ohio Alternative Energy Portfolio Standard (AEPS).

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.” Vote Solar is concerned about actions that will undermine the solar requirements of the AEPS and create unnecessary obstacles in the development of solar resources. The implementation of the solar requirement as specified by state law and Commission rules of the AEPS is critical to necessary investment and deployment of solar resources in a predictable and measured manner.

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.” Vote Solar does not outline its full legal argument in this section. Vote Solar seeks to assure the actions undertaken by the Companies are in compliance with the language and intent of S.B. 221, and the Commission Rules on the development on solar energy resource. The implementation of the solar requirement is critical to the development of necessary investment and deployment of solar resources in a predictable and measured manner. Allowing the waiver of this requirement in its very first year would have a deleterious effect.

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.” Vote Solar has been granted intervenor status in proceedings before the Utilities Commission in California, Nevada, and Florida. Vote Solar has experience in providing timely filings in these matters and assures that they will not unduly prolong and delay the 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.” Vote Solar is nationally recognized for their experience in developing

sound and sustainable policies for the development of solar energy resources and the subsequent economic and job growth accompanying well-designed solar policy. Vote Solar has extensive experience in the generation, distribution, technology differentiation and incentive structures of successful solar energy programs.

Vote Solar 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." Vote Solar is in a unique position to provide perspective on the resulting outcomes of policy decisions based on knowledge of and experience in solar markets that can aid the decision making of the Commission. Vote Solar's intervention in the above referenced docket will bring the knowledge and experience of the organization in solar energy program design that is not represented by any other parties involved in this proceeding.

Finally, it is the Commission's stated policy "to encourage the broadest possible participation in its proceedings" (*see, e.g., Cleveland Elec. Illum. Co.*, Case No. 85-675-EL-AIR, Entry dated January 14, 2986, at 2). The Commission should not apply its intervention criteria in a manner that would favor one environmental or consumer advocate to the exclusion of others.

Vote Solar 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, Vote Solar respectfully requests that the Commission grant its motion to intervene.

Respectfully Submitted on behalf of The
Vote Solar Initiative,

/s/ Todd M. Williams

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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing has been served upon the following parties by first class mail, postage prepaid, or for those parties who have consented, by electronic mail, this 30th day of November, 2009.

/s/ Todd M. Williams

Todd M. Williams

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Summary: Motion Motion to Intervene by The Vote Solar Initiative electronically filed by Mr. Todd M Williams on behalf of The Vote Solar Initiative