

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

In The Matter of the Application of Ohio :
Edison Company, The Cleveland Electric :
Illuminating Company, and The Toledo : Case No. 12-1230-EL-SSO
Edison Company For Authority to Provide :
For a Standard Service Offer Pursuant to :
R.C. §4928.143 in the Form of :
An Electric Security Plan :

MOTION TO INTERVENE
BY AEP RETAIL ENERGY PARTNERS LLC

AEP Retail Energy Partners LLC, by and through its attorneys and pursuant to Ohio Revised Code Section 4903.221 and Ohio Administrative Code Section 4901-1-11, respectfully moves this Commission for leave to intervene in this proceeding. The bases for this motion are set forth in the attached memorandum in support, which is incorporated by reference herein.

Respectfully submitted,

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MEMORANDUM IN SUPPORT

I. INTRODUCTION

AEP Retail Energy Partners LLC ("AEP Retail") is a certified Competitive Retail Electric Service ("CRES") provider, having been issued Certificate No. 10-193(E) by the Public Utilities Commission of Ohio (the "Commission"). AEP Retail is a subsidiary of American Electric Power (AEP). It is currently authorized to conduct business within, and is in good standing within, the State of Ohio. AEP Retail is authorized by this Commission to provide retail generation, power marketing, and power brokerage services throughout the State of Ohio, including within the operating territories of the FirstEnergy companies. The Commission's treatment of the FirstEnergy companies' application for approval of an Electric Security Plan ("ESP") in this proceeding will directly affect AEP Retail as a participant in electric markets in Ohio.

II. LAW AND ARGUMENT

A. This Commission's Standard Regarding Intervention.

Pursuant to O.A.C. Section 4901-1-11(A), upon timely motion, any person is permitted to intervene in a proceeding before this Commission 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.

Further, O.A.C. 4901-1-11(B) provides that the following factors are to be considered in evaluating requests to intervene:

- (1) The nature of the person's interest;
- (2) The extent to which the person's interest is represented by existing parties;
- (3) The person's potential contribution to a just and expeditious resolution of the issues involved in the proceeding; and
- (4) Whether granting the requested intervention would unduly delay the proceeding or unjustly prejudice any existing party.

See also R.C. 4903.221.

B. AEP Retail Energy Partners, LLC Should Be Permitted to Intervene In This Proceeding.

AEP Retail should be granted leave to intervene in this proceeding. AEP Retail markets the competitive retail electric services it provides to commercial, industrial and residential consumers of electric power within the State of Ohio including the service territory of the FirstEnergy Companies. Thus, it plainly has an interest in the instant proceeding in which this Commission will make decisions affecting the viability of the competitive retail market in the service territory of the FirstEnergy companies and assess the means by which the FirstEnergy Companies conduct the ESP auctions. It plainly possesses real and substantial interests in this proceeding that it is entitled to pursue and protect through intervention.

The other parties to this action do not adequately represent the interests of AEP Retail, because they are either competitors of AEP Retail or are consumers of electric services (or a representative thereof) rather than suppliers of electric services. As a market participant, AEP Retail has much to contribute to a just and expeditious resolution of the issues in this proceeding.

Finally, this proceeding began less than one week ago and a procedural schedule was issued only yesterday. Permitting AEP Retail to intervene will not, therefore, unduly delay the proceeding or unduly prejudice any existing party. Under these circumstances, AEP Retail should be permitted to intervene in this proceeding.

III. CONCLUSION

For the foregoing reasons, AEP Retail Energy Partners LLC respectfully asks that this Commission GRANT their Motions to Intervene.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that true and accurate copies of the foregoing were served upon the following parties to this proceeding this April 20, 2012, via electronic mail if available or by depositing the same in the United States Mail, postage prepaid, addressed as follows:

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Summary: Motion to Intervene electronically filed by Mr. Michael D. Dortch on behalf of AEP
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