

**BEFORE THE  
PUBLIC UTILITIES COMMISSION OF OHIO**

**In the Matter of the Application of )  
Ohio Power Company to Establish a )  
Competitive Bidding Process for )  
Procurement of Energy to Support Its )  
Standard Service Offer )**

**Case No. 12-3254-EL-UNC**

**MOTION FOR LEAVE TO INTERVENE OF  
EXELON GENERATION COMPANY, LLC, AND  
CONSTELLATION NEWENERGY, INC.**

Now comes Exelon Generation Company, LLC (“Exelon”), pursuant to the Section 4903.221, Revised Code and Rule 4901-1-11 of the Ohio Administrative Code, and moves for leave to intervene in the above-captioned proceeding as a full party of record. The reasons supporting the intervention are contained in the accompanying Memorandum in Support.

Wherefore, Exelon respectfully requests that the Commission grant this joint motion for leave to intervene and that Exelon be made a full party of the record.

Respectfully Submitted,



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**MEMORANDUM IN SUPPORT OF THE MOTION TO INTERVENE OF EXELON  
GENERATION COMPANY, LLC AND CONSTELLATION NEWENERGY, INC.  
AND COMMENT ON THE PROPOSED PROCEDURAL SCHEDULE**

Section 4903.221, Revised Code and Rule 4901-1-11 of the Ohio Administrative Code, establish the standard for intervention in the above-styled proceeding as a full party of record.

Rule 4901-1-11 of the Ohio Administrative Code states in part:

Upon timely motion, any person shall be permitted to intervene in a proceeding upon a showing that:

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(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.

In addition to establishment of a direct interest, the factors that the Public Utilities Commission of Ohio (the "Commission") considers in implementing the above rule are the nature of the intervenor's interest, the extent that interest is represented by existing parties, the intervenor's potential contribution to a just and expeditious resolution of the issues involved, and whether intervention would result in an undue delay of the proceeding. (See also Section 4903.221(B), Revised Code upon which the above rule is authorized). A review of these factors in light of following facts supports granting Exelon's intervention.

Exelon Generation Company, LLC, owns or controls approximately 30,000 MWs of generating facilities and participates in wholesale sales of energy and capacity. Exelon has participated and won supply tranches in Commission approved auctions for default supply in Ohio.

In its December 21st Application, the Ohio Power Company requested Commission approval to establish a competitive bidding process (“CBP”) for procurement of energy to support its standard service offer (“SSO”). Exelon has business interests in the State that will be affected by the outcome of the proceeding. As a potential supplier of electric power and energy to customers in the FirstEnergy service territory, Exelon has an interest in the instant proceeding as it is a potential bidder and supplier in the energy auction which is the focus of this proceeding.

This motion for intervention precedes any intervention deadline, which has not yet been set by the Commission, and should not unduly delay the instant proceedings. Finally, because of its unique expertise and participation in the competitive retail and wholesale markets in Ohio and across the country, Exelon will be able to assist in the development of a full and complete record to assist the Commission in its consideration of the Application.

WHEREFORE, Exelon respectfully requests that the Commission grant this motion for leave to intervene and that Exelon be made a full party of record. For purposes of receiving service in the proceeding, in addition to the undersigned, Exelon requests that the following persons be placed on the official service list:

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Respectfully Submitted,



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### CERTIFICATE OF SERVICE

I certify that a true and accurate copy of the foregoing document was served by electronic mail this 22<sup>nd</sup> day of January, 2013 upon the persons listed below.



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Summary: Motion Motion for Leave to Intervene electronically filed by M HOWARD PETRICOFF on behalf of Exelon Generation Company, LLC and Constellation NewEnergy, Inc.