

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Commission's Investigation)
of Ohio's Retail Electric Service Market.)

Case No. 12-3151-EL-COI

**OHIO PARTNERS FOR AFFORDABLE ENERGY'S
MOTION TO INTERVENE
AND MEMORANDUM IN SUPPORT**

Ohio Partners for Affordable Energy ("OPAE") hereby respectfully moves the Public Utilities Commission of Ohio ("Commission") for leave to intervene in the above-captioned Commission-ordered investigation. OPAE's motion to intervene is filed pursuant to Revised Code §4903.221 and Rule 4901-1-11 of the Commission's Code of Rules and Regulations. The reasons for granting this motion to intervene are contained in the memorandum attached hereto and incorporated herein.

Respectfully submitted,

/s/Colleen L. Mooney
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In the Matter of the Commission's Investigation)
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MEMORANDUM IN SUPPORT OF MOTION TO INTERVENE

Ohio Partners for Affordable Energy ("OPAE") should be permitted to intervene in this Commission-ordered investigation pursuant to Revised Code Section 4903.221, and the Commission's Rules and Regulations contained at Rule 4901-01-11 of the Ohio Administrative Code. The above-referenced Commission-ordered investigation will consider the health, strength, and vitality of Ohio's retail electric service market and actions that the Commission may take to enhance the health, strength, and vitality of that market and mitigate the potential impact of capacity constraints on Ohio ratepayers. The Commission asks for comments on market design and corporate separation. Entry, December 12, 2012.

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 this investigation.

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 this matter, which will address Ohio's electric service retail market. Additionally, OPAE includes as members non-profit

organizations that will be affected by this investigation.¹ 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.² OPAE also provides essential services in the form of bill payment assistance programs and weatherization and energy efficiency services to low income Ohio electric customers. OPAE members are also ratepayers for electric service in Ohio.

OPAE's primary interest in this investigation is to protect the interests of low and moderate income Ohioans and OPAE members whose provision of electric distribution and generation service may be affected by this investigation.

¹ A list of OPAE members can be found on the website: www.ohiopartners.org.

² 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.

Further, OPAE has been recognized by the Commission in the past as an advocate for consumers and particularly low-income consumers, who may be affected by the outcome of this investigation.

For the above reasons, OPAE has a direct, real and substantial interest in this matter. The disposition of this matter may impair or impede OPAE's ability to protect its interests. No other party to the matter 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 this matter 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 this investigation.

Therefore, OPAE is entitled to intervene in this investigation 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,

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion to Intervene and Memorandum of Support was served electronically upon the following persons identified below in these cases on this 23rd day of January 2013.

/s/Colleen L. Mooney
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This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

1/23/2013 4:38:48 PM

in

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Summary: Motion to Intervene and Memorandum in Support electronically filed by Colleen L Mooney on behalf of Ohio Partners for Affordable Energy