

In the Matter of the Application of )  
Ohio Power Company to Initiate Phase 2) Case No. 13-1939-EL-RDR  
of its gridSMART Project and to )  
Establish the gridSMART Phase 2 Rider.)

Ohio Partners for Affordable Energy (“OPAЕ”) hereby respectfully moves the Public Utilities Commission of Ohio (“Commission”) for leave to intervene in the above-captioned matter pursuant to Revised Code §4903.221 and Rule 4901-1-11 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 to intervene are contained in the memorandum in support attached hereto and incorporated herein.

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**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of \_\_\_\_\_ )  
Ohio Power Company to Initiate Phase 2) Case No. 13-1939-EL-RDR  
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Establish the gridSMART Phase 2 Rider.)

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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 this matter 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 matter concerns the application of Ohio Power Company (“Ohio Power”) to initiate Phase 2 of its gridSMART program and to establish a rider to collect from its customers the costs associated with Phase 2 of its gridSMART program. Ohio Power projects that gridSmart Phase 2 will cost customers nearly \$250 million over the next five years.

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 matter.

OPAE is an Ohio non-profit 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 proceeding, which will establish a rider for the recovery from customers of costs associated with Ohio Power’s Phase 2 smart grid program. Additionally, OPAE includes as members non-profit organizations

located in the service area that will be affected by this proceeding.<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.

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

OPAE's primary interest in this case is to protect the interests of low and moderate income Ohioans and OPAE members whose provision of electric service will be affected by this proceeding. OPAE also seeks to ensure that Ohio Power's grid smart program provides benefits to customers and does not harm consumers. Among the cost issues associated with distribution grid modernization that OPAE wishes to pursue are: the true-up of projected costs recovered through the rider with actual costs, the recognition of present cost savings through the rider, and the recognition of forward cost savings through the rider. Issues related to service associated with grid modernization include the continued application of the Commission's disconnection rules and the use of smart meters to introduce practices that may harm consumers such as remote disconnections without proper notice, mandatory time-of-use rates, pre-payments for electric service, service limiters, and additional costs and burdens associated with opt-out programs for smart meters themselves and the various options the smart meters may allow. OPAE will also address any other issues that may arise during consideration of this matter.

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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).

Further, OPAE has been recognized by the Commission in the past as an advocate for consumers and particularly low-income residential consumers. OPAE has also been recognized as an advocate for its members who are non-residential consumers. All of these consumers will be affected by the outcome of this proceeding.

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, non-residential 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 proceeding.

Therefore, OPAE is entitled to intervene in this proceeding with the full powers and rights granted by statute and by the provisions of the Commission's Code 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 parties identified below on this 18th day of October 2013.

/c/Colleen Mooney

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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