

FILE

1

BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO

RECEIVED-DOCKETING DIV  
2014 JAN -3 PM 3:38  
PUCO

In the Matter of the Application of :  
Ohio Power Company for Authority to :  
Establish a Standard Service Offer Pursuant :  
to Section 4928.143, Revised Code, in the :  
Form of an Electric Security Plan. :

13  
Case No. ~~12~~-2385-EL-SSO

In the Matter of the Application of :  
Ohio Power Company for Approval of :  
Certain Accounting Authority. :

13-2385-EL-AAM  
Case No. ~~12~~-2385-EL-AAM

---

MOTION TO INTERVENE  
OF  
DOMINION RETAIL, INC.  
d/b/a DOMINION ENERGY SOLUTIONS

---

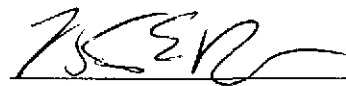
By the above-styled application in Case No. 12-2385-EL-SSO, Ohio Power Company ("AEP Ohio") seeks to establish a standard service offer ("SSO") in the form of an electric security plan ("ESP") pursuant to Section 4928.143, Revised Code, to take effect upon the expiration of its current ESP at the end of May 2015. By the companion application in Case No. Case No. 12-2385, AEP Ohio requests approval of certain related accounting measures. As more fully discussed in the accompanying memorandum, Dominion Retail, Inc. d/b/a Dominion Energy Solutions ("DES") has a real and substantial interest in this proceeding, and is so situated that the disposition of this proceeding may, as a practical matter, impair or impede its ability to protect that interest. Further, DES's interest in this proceeding is not represented by any existing party, and its participation in this proceeding will contribute to a just and expeditious resolution of the issues involved without unduly delaying the proceeding or unjustly prejudicing any

This is to certify that the images appearing are an accurate and complete reproduction of a case file document delivered in the regular course of business  
Technician And Date Processed 1/3/14

existing party. Accordingly, DES hereby moves to intervene in this proceeding pursuant to Section 4903.221, Revised Code, and Rule 4901-1-11, Ohio Administrative Code.

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

Respectfully submitted,



Barth E. Royer (Counsel of Record)  
BELL &, ROYER CO., LPA  
33 South Grant Avenue  
Columbus, Ohio 43215-3927  
(614) 228-0704 – Phone  
(614) 228-0201 – Fax  
*BarthRoyer@aol.com* – Email

Gary A. Jeffries  
Assistant General Counsel  
Dominion Resources Services, Inc.  
501 Martindale Street, Suite 400  
Pittsburgh, PA 15212-5817  
(412) 237-4729 – Phone  
(412) 237-4782 – Fax  
*Gary.A.Jeffries@dom.com* - Email

Attorneys for Dominion Retail, Inc.  
d/b/a Dominion Energy Solutions

BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of	:	
Ohio Power Company for Authority to	:	
Establish a Standard Service Offer Pursuant	:	Case No. 12-2385-EL-SSO
to Section 4928.143, Revised Code, in the	:	
Form of an Electric Security Plan.	:	

In the Matter of the Application of	:	
Ohio Power Company for Approval of	:	Case No. 12-2385-EL-AAM
Certain Accounting Authority.	:	

---

MEMORANDUM IN SUPPORT  
OF  
MOTION TO INTERVENE  
OF  
DOMINION RETAIL, INC.  
d/b/a DOMINION ENERGY SOLUTIONS

---

By the applications filed herein on December 20, 2013, AEP Ohio seeks approval of an ESP-based SSO pursuant to Section 4928.143, Revised Code and certain related accounting measures. Section 4903.221, Revised Code, provides that any “person who may be adversely affected by a public utilities commission proceeding may intervene in such proceeding.” DES is a Commission-certified CRES provider authorized to offer competitive retail electric service to customers within AEP Ohio’s service territory. As such, DES must compete against the SSO price for generation service that will result from the auction process proposed by AEP Ohio in order to attract and retain customers. In addition, the proposed ESP contains various provisions that will affect CRES providers, including, but not limited to, the proposed purchase of receivables (“POR”) program that AEP Ohio seeks authority to implement. Thus, there can be no question that DES may be adversely affected by this proceeding. Further, not only does DES

satisfy the underlying statutory test for intervention in Commission proceedings, but it also satisfies the standards governing intervention set forth in the Commission's rules.

Rule 4901-1-11(A), Ohio Administrative Code ("OAC"), provides, in pertinent part, as follows:

(A) Upon timely motion, any person shall be permitted to intervene in a proceeding 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 ability to protect that interest, unless the person's interest is adequately represented by existing parties.

As a CRES supplier, DES plainly has a real and substantial interest in a proceeding in which the Commission is being asked to determine how the price against which it must compete will be established, and the disposition of this proceeding may, as a practical matter, impair or impede its ability to protect this interest. Moreover, at this juncture, none of the pending motions to intervene in this proceeding have been granted. Thus, by definition, no existing parties adequately represent DES's interest.

Although DES does not believe this to be a close question, each of the specific considerations that the Commission may, by rule, take into account in applying the Rule 4901-1-11(A)(2), OAC, standard also fully support granting DES's motion to intervene. Rule 4901-1-11(B), OAC, provides as follows:

In deciding whether to permit intervention under paragraph (A)(2) of this rule, the commission, the legal director, the deputy legal director, or an attorney examiner case shall consider:

(1) The nature and extent of the prospective intervenor's interest.

(2) The legal position advanced by the prospective intervenor and its probable relation to the merits of the case.

(3) Whether the intervention by the prospective intervenor will unduly prolong or delay the proceedings.

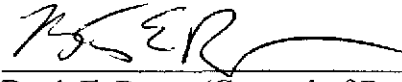
(4) Whether the prospective intervenor will significantly contribute to full development and equitable resolution of the factual issues.

(5) The extent to which the person's interest is represented by existing parties.

First, as previously explained, DES interest in the SSO pricing proposals contained in the AEP-Ohio application is obviously direct and substantial. Second, although DES must necessarily await further developments before determining the specific positions it will adopt with respect to the issues in these proceedings, DES will certainly advocate that the terms of the ESP-based SSO authorized as a result of this proceeding be fair, reasonable, non-discriminatory, and designed to promote retail electric competition. Third, in view of the procedural posture of this case, granting DES's motion to intervene will not unduly delay or prolong the proceeding. Fourth, DES has been a frequent participant in cases involving the establishment of competitive electric and gas markets in Ohio and the numerous other states in which it does business. As a result, DES will bring substantial experience to bear on the issues raised. Finally, not only are there no existing parties that represent DES's interest, but it would be inconsistent with the Commission's stated policy "to encourage the broadest possible participation in its proceedings" to apply the Rule 4901-1-11(B)(5) standard in a manner that would favor certain CRES providers over others. Thus, granting DES intervenor status is consistent with all the considerations set out in Rule 4901-1-11(B), OAC.

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

Respectfully submitted,



Barth E. Royer (Counsel of Record)  
BELL &, ROYER CO., LPA  
33 South Grant Avenue  
Columbus, Ohio 43215-3927  
(614) 228-0704 – Phone  
(614) 228-0201 – Fax  
*BarthRoyer@aol.com* – Email

Gary A. Jeffries  
Assistant General Counsel  
Dominion Resources Services, Inc.  
501 Martindale Street, Suite 400  
Pittsburgh, PA 15212-5817  
(412) 237-4729 – Phone  
(412) 237-4782 – Fax  
*Gary.A.Jeffries@dom.com* - Email

Attorneys for Dominion Retail, Inc.  
d/b/a Dominion Energy Solutions

# CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing has been served upon the following parties by first class US mail, postage prepaid, this 3<sup>rd</sup> day of January 2014.

  
Barth E. Royer

Steven T. Nourse  
Matthew J. Satterwhite  
American Electric Power Service  
Corporation  
1 Riverside Plaza, 29th Floor  
Columbus, Ohio 43215

Daniel R. Conway  
Porter Wright Morris & Arthur  
Huntington Center  
41 S. High St.  
Columbus, OH 4321

Samuel C. Randazzo  
Joseph C. Olier  
Frank P. Darr  
Mathew R. Pritchard  
McNees Wallace & Nurick LLC  
21 East State Street, 17th Floor  
Columbus, Ohio 43215

Bruce J. Weston  
Maureen R. Grady  
Office of the Ohio Consumers' Counsel  
10 West Broad Street, Suite 1800  
Columbus, Ohio 43215-3485