

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 to R.C.) Case No. 13-2385-EL-SSO
4928.143, in the Form of an Electric Security)
Plan.)

In the Matter of the Application of Ohio)
Power Company for Approval of Certain) Case No. 13-2386-EL-AAM
Accounting Authority.)

ENTRY

The attorney examiner finds:

- (1) Ohio Power Company d/b/a AEP Ohio (AEP Ohio or the Company) is a public utility as defined in R.C. 4905.02, and, as such, is subject to the jurisdiction of this Commission.
- (2) On December 20, 2013, AEP Ohio filed an application for a standard service offer pursuant to R.C. 4928.141. The application is for an electric security plan in accordance with R.C. 4928.143.
- (3) By Entry issued on January 24, 2014, a procedural schedule was established in these cases, which included an intervention deadline of March 7, 2014.
- (4) Timely motions to intervene were filed by the following movants:

Industrial Energy Users-Ohio (IEU-Ohio)
Ohio Consumers' Counsel
Ohio Energy Group
Dominion Retail, Inc. d/b/a Dominion Energy Solutions
Duke Energy Ohio, Inc.
Ohio Hospital Association
Duke Energy Retail Sales, LLC
Interstate Gas Supply, Inc.
Duke Energy Commercial Asset Management, Inc.
Ohio Manufacturers' Association Energy Group

FirstEnergy Solutions Corp.
Ohio Partners for Affordable Energy
The Kroger Company
The Dayton Power and Light Company
Environmental Defense Fund
Ohio Environmental Council
Direct Energy Services, LLC
Direct Energy Business, LLC
Appalachian Peace and Justice Network
Retail Energy Supply Association
Constellation NewEnergy, Inc.
Exelon Generation Company, LLC
Environmental Law & Policy Center (ELPC)
Wal-Mart Stores East, LP
Sam's East, Inc.
Natural Resources Defense Council (NRDC)
Border Energy Electric Services, Inc.
EnerNOC, Inc.
Paulding Wind Farm II LLC (Paulding II)

- (5) On March 11, 2014, IEU-Ohio filed memoranda contra the motions to intervene filed by Paulding II and NRDC. IEU-Ohio asserts that Paulding II and NRDC fail to meet the requirements for intervention set forth in R.C. 4903.221 and Ohio Adm.Code 4901-1-11(B). With respect to Paulding II, IEU-Ohio argues that Paulding II's stated interest in AEP Ohio's Alternative Energy Rider (AER) is already adequately represented by the Company and, thus, Paulding II will not significantly contribute to the full development and equitable resolution of the factual issues in these proceedings. In response to NRDC's motion, IEU-Ohio contends that NRDC's stated interest in AEP Ohio's energy efficiency and peak demand reduction (EE/PDR) programs would be better addressed in the Company's EE/PDR portfolio proceedings. IEU-Ohio also believes that NRDC's interests are adequately represented by ELPC. IEU-Ohio claims that, because NRDC's stated interests are not related to the merits of these proceedings and are adequately represented by ELPC, NRDC's intervention will not significantly contribute to full development and equitable

resolution of the proceedings. Therefore, IEU-Ohio concludes that the motions filed by Paulding II and NRDC should be denied or, alternatively, that Paulding II and NRDC should be granted limited intervention pursuant to Ohio Adm.Code 4901-1-11(D). IEU-Ohio adds that NRDC's participation should be limited, such that NRDC must file joint briefs with ELPC and may only address issues not already addressed by ELPC.

- (6) On March 18, 2014, Paulding II filed a reply to IEU-Ohio's memorandum contra. Paulding II argues that it has a real and substantial interest in these proceedings and that the Commission's disposition of these cases may impair or impede Paulding II's ability to protect that interest. Paulding II points out that it is a supplier of renewable energy to AEP Ohio and that the Company, therefore, does not represent Paulding II's interest. Paulding II concludes that, because its interest in the AER is distinguishable from AEP Ohio's, Paulding II is not adequately represented by any existing party.
- (7) NRDC also filed a reply to IEU-Ohio's memorandum contra on March 18, 2014. Initially, NRDC asserts that it meets the standard for intervention and that IEU-Ohio fails to provide any evidence to the contrary. NRDC emphasizes that no provision in Ohio law requires denial of intervention where the movant is involved in other proceedings that may address parallel issues. NRDC adds that there is no support for IEU-Ohio's claim that NRDC's participation in other matters will provide sufficient opportunity to be heard on the energy efficiency and alternative energy issues that may arise in the current proceedings. NRDC also points out that ELPC and NRDC represent different members, have different perspectives as organizations, and, at times, promote different strategies to accomplish their policy objectives. NRDC asserts that its members' interests would not be adequately represented by ELPC in these proceedings. Finally, NRDC maintains that, because it meets the standard for intervention, there is no legitimate reason to limit its participation in these proceedings.

- (8) All of the motions to intervene, including the motions filed by Paulding II and NRDC, assert a real and substantial interest that is not represented by another party to these matters. Further, each motion asserts that the disposition of these proceedings may impair or impede the movant's ability to protect that interest. As all of the motions otherwise meet the intervention criteria set forth in R.C. 4903.221 and Ohio Adm.Code 4901-1-11, the attorney examiner finds that the motions to intervene are reasonable and should be granted.
- (9) A motion for admission pro hac vice was filed by Samantha Williams on behalf of NRDC. No memoranda contra were filed. The attorney examiner finds that the motion is reasonable and should be granted.

It is, therefore,

ORDERED, That the motions to intervene filed by various parties be granted in accordance with finding (8). It is, further,

ORDERED, That the motion for admission pro hac vice filed by Samantha Williams be granted in accordance with finding (9). It is, further,

ORDERED, That a copy of this Entry be served upon all parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

s/Sarah Parrot

By: Sarah J. Parrot
Attorney Examiner

SEF/sc

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in

Case No(s). 13-2385-EL-SSO, 13-2386-EL-AAM

Summary: Attorney Examiner Entry granting motions to intervene filed by various parties in accordance with Finding (8) and granting the motion for admission pro hac vice filed by Samantha Williams in accordance with Finding (9), - electronically filed by Sandra Coffey on behalf of Sarah Parrot, Attorney Examiner, Public Utilities Commission of Ohio