

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application Seeking)	Case No. 14-1693-EL-RDR
Approval of Ohio Power Company's)	
Proposal to Enter into An Affiliate Power)	
Purchase Agreement for Inclusion in the)	
Power Purchase Agreement Rider.)	
)	

In the Matter of the Application of Ohio)	
Power Company for Approval of Certain)	Case No. 14-1694-EL-AAM
Accounting Authority.)	
)	

**MOTION TO INTERVENE
BY ENVIRONMENTAL DEFENSE FUND**

Pursuant to Ohio Rev. Code § 4903.22.1 and Ohio Admin. Code § 4901-1-11, the Environmental Defense Fund ("EDF") moves for leave to intervene in the above captioned proceeding, in which Ohio Power Company, Inc. ("AEP" or "the Company") submits its Application Seeking Approval to Enter into An Affiliate Power Purchase Agreement for Inclusion in the Power Purchase Agreement Rider ("Rider PPA") ("Application"). As more fully discussed in the accompanying memorandum, EDF has a real and substantial interest in this proceeding. The interests of EDF are not represented by any existing party; 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 existing party.

WHEREFORE, EDF respectfully request that the Public Utilities Commission of Ohio grant EDF's motion to intervene for these reasons and those set forth in the attached Memorandum in Support.

Respectfully submitted,

/s/ Trent Dougherty

Trent Dougherty, **Counsel of Record**
(0079817)
1207 Grandview Avenue, Suite 201
Columbus, Ohio 43212-3449
(614) 487-7506 - Telephone
(614) 487-7510 - Fax
tdougherty@theOEC.org

John Finnigan (0018689)
Senior Regulatory Attorney
Environmental Defense Fund
128 Winding Brook Lane
Terrace Park, Ohio 45174
(513) 226-9558
jfinnigan@edf.org

**Counsel for the Environmental
Defense Fund**

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MEMORANDUM IN SUPPORT

Ohio Revised Code Section 4903.221 provides that any “person who may be adversely affected by a public utilities commission proceeding may intervene in such proceeding.” As discussed below, EDF has an interest in AEP’s proposal and may be adversely affected by the disposition of this case.

EDF is a national non-profit membership organization engaged in linking science, economics and law to create innovative, equitable and cost-effective solutions to society’s most urgent environmental problems. EDF has over 300,000 members nationwide and has 9,590 members in Ohio. EDF has been active in Ohio working on environmental policies including smart power, climate change, natural gas fracking and sustainable agriculture. EDF also supports state energy policies that reduce greenhouse gas emissions. Furthermore, EDF was an intervening party in the Company’s Electric Security Plan case which this Rider was proposed.

R.C. §4903.221(B) outlines four factors that the Commission shall consider when ruling on a motion to intervene in a proceeding. First, pursuant to R.C. §4903.221(B)(1), the Commission shall consider “the nature and extent of the prospective intervenor’s interest.” EDF has a real and substantial interest in the furthering of competitive energy markets, and the positive effect both have on the further deployment of cost-effective clean and efficient energy in Ohio. As an environmental advocacy organization, EDF has a special interest in the outcome of this case because of the direct impact that decisions on the Application, and its support of heretofore unregulated electricity generation units, will have on the current and future implementation and effectiveness of alternative energy resources, renewable energy generation, energy efficiency and demand response in the state, and the Application’s potential to proliferate fossil fuel generation’s contribution to climate change. Accordingly, EDF’s interest in this proceeding arise from the direct and indirect impacts that the issues presented will have on the environment, innovation inherent in a competitive electricity energy market, and the costs and benefits of its members in the AEP service territory.

Second, pursuant to R.C. 4903.221(B)(2), the Commission shall consider “The legal position advanced by the prospective intervenor and its probable relation to the merits of the case.” Although EDF does not outline detailed legal arguments in this section, EDF maintains that AEP’s Application should be properly scrutinized by interested parties to ensure that it complies with the letter and intent of the state’s energy law and stated state energy policy.

Third, pursuant to R.C. 4903.221(B)(3), the Commission shall consider “Whether the intervention by the prospective intervenor will unduly prolong or delay the proceedings.” EDF has significant experience dealing with electric utilities questions before the Commission and will not seek to delay the proceeding. EDF has been consistently involved in the development and enactment of S.B. 221 and the associated rules, including as a party in numerous cases before the Commission. Thus, intervention will not unduly prolong or delay these proceedings, but will add value to the development of this case.

Fourth, pursuant to R.C. §4903.221(B)(4), the Commission shall consider “Whether the prospective intervenor will significantly contribute to full development and equitable resolution of the factual issues.” EDF has developed expertise that will contribute to the full development of the legal questions involved in this proceeding. Further, as Ohio’s leading environmental advocates, EDF will be able to assure that the environmental impacts of the Company’s proposal are fully developed.

EDF further satisfies the intervention requirements outlined in the Commission’s rules under the Ohio Administrative Code. The criteria for intervention established by O.A.C. §4901-1-11(A) are identical to those provided by R.C. §4903.221, with the exception that the rules add a fifth factor that the Commission shall consider when ruling on a motion to intervene. Pursuant to O.A.C. §4901-1-11(A)(5), the Commission shall consider “The extent to which the [intervenor’s] interest is represented by existing parties.” EDF’s interest in a market based approach to environmental protection and greenhouse gas reductions from the electricity generation sector, is not fully represented by the existing parties.

Finally, we point out that it is the Commission's stated policy "to encourage the broadest possible participation in its proceedings."¹ The Commission should not apply its intervention criteria in a manner that would favor one environmental or consumer advocate to the exclusion of others.

EDF meets all the criteria established by R.C. §4903.221 and O.A.C. §4901-1-11(A)(5) and therefore should be granted intervenor status in this proceeding.

WHEREFORE, EDF respectfully requests that the Commission grant its motion to intervene in the above captioned matter.

Respectfully Submitted,

/s/ Trent Dougherty

Trent Dougherty, **Counsel of Record**
(0079817)
1207 Grandview Avenue, Suite 201
Columbus, Ohio 43212-3449
(614) 487-7506 - Telephone
(614) 487-7510 - Fax
tdougherty@theOEC.org

John Finnigan (0018689)
Senior Regulatory Attorney
Environmental Defense Fund
128 Winding Brook Lane
Terrace Park, Ohio 45174
(513) 226-9558
jfinnigan@edf.org

**Counsel for the Environmental
Defense Fund**

¹ *Cleveland Elec. Illum. Co.*, Case No. 85-675-EL-AIR, Entry dated January 14, 1986, at 2.

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing has been served upon the following parties by electronic mail this 22nd day of October, 2014.

/s/ Trent Dougherty

Trent Dougherty

Steven T. Nourse
Matthew Satterwhite
American Electric Power Service
Corporation
1 Riverside Plaza, 29th Floor
Columbus, OH 43215
stnourse@aep.com
mjsatterwhite@aep.com

Samuel C. Randazzo
Frank P. Darr
Matthew R. Pritchard
MCNEES WALLACE & NURICK LLC
21 East State Street, 17TH Floor
Columbus, OH 43215
sam@mwncmh.com
fdarr@mwncmh.com
mpritchard@mwncmh.com

Mark S. Yurick
Counsel of Record
TAFT STETTINIUS & HOLLISTER LLP
65 East State Street, Suite 1000
Columbus, Ohio 43215
myurick@taftlaw.com

Michael L. Kurtz
David F. Boehm
Boehm, Kurtz & Lowry
36 East Seventh Street, Suite 1510
Cincinnati, Ohio 45202
mkurtz@BKLawfirm.com
dboehm@BKLawfirm.com

Mark A. Hayden
Jacob A McDermott
Scott J. Casto
FIRSTENERGY SERVICE COMPANY
76 South Main Street
Akron, OH 44308
haydenm@firstenergycorp.com
jmcdermott@firstenergycorp.com
scasto@firstenergycorp.com

James F. Lang
N. Trevor Alexander
CALFEE, HALTER & GRISWOLD LLP
The Calfee Building
1405 East Sixth Street
Cleveland, OH 44114
jiang@calfee.com
talexander@calfee.com

Terrence O'Donnell
Dickenson Wright PLLC
150 East Gay Street, Suite 2400
Columbus, OH 43215
todonnell@dickinsonwright.com

Kurt P. Helfrich
Scott Campbell
Stephanie M. Chmiel
Thompson Hine LLP
41 South High Street, Suite 1700
Columbus, Ohio 43215-6101
Kurt.Helfrich@ThompsonHine.com
Scott.Campbell@ThompsonHine.com
Stephanie.Chmiel@ThompsonHine.com

Christopher J. Allwein
Nolan M. Moser
Williams Allwein and Moser, LLC
1500 West Third Ave, Suite 330
Columbus, Ohio 43212
callwein@wamenergylaw.com

Tony G. Mendoza
Sierra Club
Environmental Law Program
85 Second Street, Second Floor
San Francisco, CA 94105-3459
tony.mendoza@sierraclub.org

Kevin R. Schmidt
88 East Broad Street, Suite 1770
Columbus, OH 43215
schmidt@sppgrp.com

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Summary: Motion Motion to Intervene and Memorandum in Support of Environmental Defense Fund electronically filed by Mr. Trent A Dougherty on behalf of Environmental Defense Fund