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To: PUCO DIS DOCKETING

Fax #: 614 466-0313

Date: April 13, 2015

Number of pages (including cover): 8

Message:

Please find **Motion to Intervene and Memo in Support by the Ohio Environmental Council**
to be filed in Docket No. 14-2304-EL-EEC In the Matter of the Joint Application of Ohio Power Company and Kraton Polymers U.S., LLC for Approval of a Special Arrangement Agreement.

Thank you

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**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Joint Application of Ohio)	Case No. 14-2304-EL-EEC
Power Company of Kraton Polymers U.S.)	
LLC for Approval of a Special Arrangement)	
Agreement.)	

**MOTION TO INTERVENE
BY THE
OHIO ENVIRONMENTAL COUNCIL**

The Ohio Environmental Council ("OEC") hereby moves to intervene in the above captioned case in which Kraton Polymers U.S. LLC ("Kraton") seeks approval of a reasonable arrangement with the Ohio Power Company ("AEP" or "Company") under Ohio Admin. Code 4901:1-38-05(B). Approval of this arrangement will allow Kraton to be incented for the development of its Combined Heat and Power project in its South Eastern Ohio Plant. In exchange, AEP will attribute the energy reductions associated with the project undertaken by Kraton to the energy efficiency achievements required under R.C. 4928.66.

As more fully discussed in the accompanying memorandum, the Ohio Environmental Council ("OEC") has a real and substantial interest in this proceeding. The interests of the OEC, Ohio's largest non-profit environmental advocacy organization, are not currently represented by any existing party, and its participation in this proceeding will contribute to a just and expeditious resolution of the issues involved. The OEC's participation will not unduly delay the proceeding or unjustly prejudice any existing party. Accordingly, the OEC hereby moves to intervene in this proceeding pursuant to R.C. 4903.221 and O.A.C. 4901-1-11.

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

Respectfully Submitted,

/s/ Trent A. Dougherty
Trent A. Dougherty, Counsel of Record

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**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Joint Application of Ohio)	Case No. 14-2304-EL-EEC
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MEMORANDUM IN SUPPORT

I. I. INTRODUCTION

R.C. Section 4903.221 provides that any “person who may be adversely affected by a public utilities commission proceeding may intervene in such proceeding.” The OEC is a non-profit, charitable organization comprised of a network of over 100 affiliated group members whose mission is to secure a healthier environment for all Ohioans. Throughout its 45-year history, the OEC has been a leading advocate for fresh air, clean water, and sustainable land and energy use. The OEC was an active participant in the effort that led to the inclusion of renewable energy and solar energy requirements in S.B. 221, and is a long-term proponent of cogeneration technologies like the one proposed in the above captioned case.

This case involves the approval of a reasonable arrangement between Kraton and AEP, whereby Kraton will commit their energy savings to AEP. The OEC has a real and substantial interest in assuring that this arrangement is reasonable, consistent with statute, and will likely result in the energy production intended by the passage of S.B. 221, and expanded to include CHP projects like this under SB315. After review of the application the OEC

believes that the application is just, reasonable, and will advance the economic and environmental goals of the energy policies of this state.

II. ARGUMENT

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.” As a general proposition, the OEC is interested in the achievement of maximum cost-effective energy efficiency and renewable energy implementation. The OEC is also interested in ensuring that the energy savings benchmarks are met in a manner which comports with the letter and intent of S.B. 221. OEC supports the policy enacted by Ohio Senate Bill 315 (129th General Assembly) that allowed CHP and Waste Energy Recovery (WER) systems to qualify as energy efficiency measures under Ohio's Energy Efficiency Resource Standard (EERS).¹ As an environmental advocacy organization, the OEC has a special interest in the approval of this reasonable arrangement, as it will set a precedent for similar arrangements in the future for cogeneration projects that benefit customers, the resiliency of the overall power grid and the health of Ohio’s environment.

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.” The OEC maintains that Kraton’s reasonable arrangement with AEP should be properly scrutinized by interested parties, and timely approved by the Commission to facilitate innovation and implementation of mercantile customer sited energy efficiency, peak demand reduction and advanced energy technologies.

¹ Per Section 4928.66 of the Ohio Revised Code

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.” The OEC has significant experience dealing with electric utilities questions before the Commission and will not seek to delay the proceeding. The OEC’s intervention will not unduly prolong or delay these proceedings. The OEC has been consistently involved in the development and enactment of S.B. 221 and the associated rules (including the proposed draft rules pertaining to counting energy savings from CHP), including as a party in numerous cases before the Commission. The OEC’s intervention will not unduly prolong or delay these proceedings; to the contrary, the OEC’s expertise and unique interest 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.” The OEC has actively participated in the implementation of the efficiency, renewable energy, and peak demand reduction benchmarks established by S.B. 221. As an active participant in cases before the Commission, the OEC has developed expertise that will contribute to the full development of the legal questions involved in this proceeding.

The OEC also satisfies the intervention requirements outlined in the Commission’s rules. The criteria for intervention established by O.A.C. 4901-1-11(B) 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(B)(5), the Commission shall consider “The extent to which the [intervenor’s] interest is represented by existing parties.” The OEC’s interest is not fully represented by the existing

parties. The OEC is the leading advocate for Ohio's environment. No other party to this proceeding has the mission of securing healthy air for all Ohioans, and no other party has been a continuous participant in cases before the Commission for the sole purpose of furthering this mission.

Finally, it is the Commission's stated policy "to encourage the broadest possible participation in its proceedings" (*see, e.g., Cleveland Elec. Illum. Co.*, Case No. 85-675-EL-AIR, Entry dated January 14, 1986, at 2). The Commission should not apply its intervention criteria in a manner that would favor one environmental or consumer advocate to the exclusion of others.

III. CONCLUSION

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

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

Respectfully Submitted,

/s/ Trent A. Dougherty
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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing has been served upon the following parties by electronic mail this 13th day of April, 2015.

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