

1145 Chesapeake Ave. Suite 1  
Columbus, Ohio 43212

www.theOEC.org

FILE

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 Ohio Environmental Council to be filed in Docket No. ~~14-2296~~-EL-EEC In the Matter of the Joint Application of Ohio Power Company and Solvay Special Polymers for Approval of a Special Arrangement Agreement.

Thank you

**Trent A. Dougherty, Esq.** | Managing Director, Legal Affairs  
Ohio Environmental Council  
1145 Chesapeake Avenue, Suite 1, Columbus, 43212  
(614) 487-7506 OEC  
(614) 487-5823 direct

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 \_\_\_\_\_ Date Processed APR 15 2015

RECEIVED-DOCKETING DIV  
2015 APR 15 PM 3:06  
PUCO

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Joint Application of Ohio ) Case No. 14-2296-EL-EEC  
Power Company of Solvay Specialty )  
Polymers 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 Solvay Specialty Polymers (“Solvay”) seeks approval of a special arrangement with the Ohio Power Company (“AEP” or “Company”) under Ohio Admin. Code 4901:1-38-05(B). Approval of this arrangement will allow Solvay 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 Solvay 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  
(0079817)  
Ohio Environmental Council  
1145 Chesapeake Avenue, Suite I  
Columbus, Ohio 43212-3449  
(614) 487-7506 - Telephone  
(614) 487-7510 – Fax  
[tdougherty@theoec.org](mailto:tdougherty@theoec.org)

**Attorney for the OEC**

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Joint Application of Ohio ) Case No. 14-2296-EL-EEC  
Power Company of Solvay Specialty )  
Polymers for Approval of a Special )  
Arrangement Agreement. )

---

**MEMORANDUM IN SUPPORT**

---

**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 Solvay and AEP, whereby Solvay 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).<sup>1</sup> 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 Solvay’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.

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

---

<sup>1</sup> Per Section 4928.66 of the Ohio Revised Code

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  
Trent A. Dougherty, Counsel of Record  
(0079817)  
Ohio Environmental Council  
1145 Chesapeake Avenue, Suite I  
Columbus, Ohio 43212-3449  
(614) 487-7506 - Telephone  
(614) 487-7510 - Fax  
[tdougherty@theoec.org](mailto:tdougherty@theoec.org)

**Attorney for the OEC**

## CERTIFICATE OF SERVICE

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

/s/ Trent A. Dougherty

Steven T. Nourse  
Senior Counsel  
American Electric Power  
1 Riverside Plaza  
Columbus, Ohio 43215  
[stnourse@aep.com](mailto:stnourse@aep.com)

Frank Darr  
McNeese, Wallace & Nurick  
21 East State Street., 17<sup>th</sup> Floor  
Columbus, Ohio 43215  
[fdarr@mwncmh.com](mailto:fdarr@mwncmh.com)

William Wright  
Assistant Attorney General  
Public Utilities Commission of Ohio  
180 East Broad Street, 6<sup>th</sup> Floor  
Columbus, Ohio 43215  
[william.wright@puc.state.oh.us](mailto:william.wright@puc.state.oh.us)

Rebecca L. Hussey  
Carpenter, Lipps & Leland  
280 Plaza, Suite 1300  
280 N. High Street  
Columbus, OH 43215  
[hussey@carpenterlipps.com](mailto:hussey@carpenterlipps.com)