

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of)	
Ohio Power Company for Approval of its)	Case No. 16-574-EL-POR
Program Portfolio Plan.)	

**OHIO PARTNERS FOR AFFORDABLE ENERGY'S
MOTION TO INTERVENE AND MEMORANDUM IN SUPPORT
AND COMMENTS ON THE APPLICATION FOR LIMITED WAIVER**

Ohio Partners for Affordable Energy ("OPAE") hereby respectfully moves the Public Utilities Commission of Ohio ("Commission") for leave to intervene in the above-captioned application pursuant to R.C. §4903.221 and Section 4901-1-11 of the Commission's Code of Rules and Regulations, with full powers and rights granted by the Commission specifically, by statute, or by the provisions of the Commission's Code of Rules and Regulations to intervening parties. The reasons for granting this motion to intervene are contained in the memorandum attached hereto and incorporated herein.

Respectfully submitted,

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members non-profit organizations located in the service area that will be affected by this application.¹ Moreover, many of OPAE's members are community action agencies. Under the federal legislation authorizing the creation and funding of these agencies, originally known as the Economic Opportunity Act of 1964, community action is charged with advocating for low-income residents of their communities. OPAE members also provide essential services in the form of bill payment assistance programs and weatherization and energy efficiency services to low income customers of Ohio Power.

OPAE's primary focus in this case is to protect the interests of low and moderate income Ohioans whose provision of electric service may be affected by this application. Further, OPAE has been recognized by the Commission in the past as an advocate for consumers and particularly low-income consumers, who may be affected by the outcome of this case.

For the above reasons, OPAE has a direct, real and substantial interest in this matter. The disposition of this matter may impair or impede OPAE's ability to protect its interests. No other party to the matter will adequately represent the interests of OPAE. OPAE is a rare organization that serves as an advocate, service provider and nonprofit customer group. No other party represents this group of interests. OPAE's participation in this matter will not cause undue delay, will not unjustly prejudice any existing party, and will contribute to the just and expeditious resolution of the issues raised by this docket.

Therefore, OPAE is entitled to intervene in this application with the full powers and rights granted by statute and by the provisions of the Commission's Codes of Rules and Regulations to intervening parties.

¹ A list of OPAE members can be found on the website: www.ohiopartners.org.

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COMMENTS

The Commission should deny Ohio Power's request for a waiver. Ohio Power is requesting a limited waiver of Ohio Administrative Code Rule 4901:1-39-04(A) for the purpose of delaying the filing of its energy efficiency and peak demand reduction program portfolio plan until June 15, 2016. In its request for a waiver, Ohio Power states that legislation froze the energy efficiency and peak demand reduction mandates at 2014 levels for a period of two years. Ohio Power requests a temporary delay in the filing of its next Plan due to pending recommendations and the expectation of potential legislative action. Application at 2.

Ohio Power has presented no basis upon which the Commission should grant a waiver. Current law eliminates the freeze on the energy efficiency benchmarks at the end of 2016. Until the General Assembly enacts new legislation, Ohio Power must follow current statutory and administrative law and file its 2016 Plan by April 15, 2016.

Ohio's state policy remains to encourage demand-side options for customers. Revised Code 4928.02. There is ample statutory authority to support a continuation of Ohio Power's demand-side management portfolio.

Delaying the filing of the Plan virtually guarantees that programs will have to be interrupted, reducing the effectiveness of the programs for customers. Program continuity is important to program impact. Start-and-stop programs confuse customers. Delay will also harm program contractors managing the programs. The Commission should work to ensure that customers receive best value for the dollars in their bills that fund energy efficiency programs.

Ohio Power has failed to establish good cause for a waiver of the present rule, and therefore the application for a waiver should be denied. Ohio Power should be required to file its new portfolio plan, as the Commission rule states, by April 15, 2016.

Respectfully submitted,

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CERTIFICATE OF SERVICE

A copy of the foregoing Motion to Intervene and Memorandum of Support and Comments will be served electronically by the Commission's Docketing Division on the parties listed below who are electronically subscribed on this 29th day of March 2016.

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Case No(s). 16-0574-EL-POR

Summary: Motion to Intervene, Memorandum in Support, and Comments electronically filed by Colleen L Mooney on behalf of Ohio Partners for Affordable Energy