

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Ohio)	
Power Company for Authority to Establish)	Case No. 16-1852-EL-SSO
a Standard Service Offer Pursuant To)	
R.C. 4928.143, in the Form of an Electric)	
Security Plan.)	
)	
In the Matter of the Application of)	
Ohio Power Company for Approval of)	Case No. 16-1853-EL-AAM
Certain Accounting Authority.)	

BUCKEYE POWER INC.'S MOTION TO INTERVENE

Pursuant to Ohio Revised Code § 4903.221 and Ohio Administrative Code § 4901-1-11, Buckeye Power, Inc. ("Buckeye") respectfully moves to intervene in this proceeding. Buckeye has real and substantial interests in this proceeding, and those interests may be adversely affected by its outcome. No other party to the proceeding can adequately represent Buckeye's interests. The Commission should grant Buckeye's Motion to Intervene for the reasons more fully set forth in the attached Memorandum in Support.

Respectfully submitted,

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MEMORANDUM IN SUPPORT

I. Background

Ohio Power Company (“AEP Ohio”) filed an application on December 20, 2013 in Case Nos. 13-2385-EL-SSO et al. to establish its third electric security plan (the “ESP III Proceeding”). On February 25, 2015, the Commission modified and approved the ESP III application, allowing AEP Ohio to establish a Power Purchase Agreement Rider (“PPA Rider”), but setting it at an initial placeholder rate of zero. Subsequently, on May 15, 2015, AEP Ohio submitted an amended application in Case Nos. 14-1693-EL-RDR et al. seeking Commission approval allowing AEP Ohio to include in the PPA Rider the net financial impacts of an affiliate Power Purchase Agreement (“PPA”) between AEP Ohio and AEP Generation Resources, Inc. (“AEPGR”) and AEP Ohio’s entitlement to a portion of the electrical output of generating units owned by the Ohio Valley Electric Corporation (“OVEC”) (the “PPA Proceeding”).

Buckeye intervened in the PPA Proceeding because AEP Ohio proposed including Unit No. 1 at the Cardinal Generating Station (“Cardinal Station”) in the affiliate PPA and the PPA Rider. AEPGR owns Unit No. 1 at Cardinal Station, and Buckeye owns Unit Nos. 2 and 3 at Cardinal Station. Furthermore, Buckeye is a party to the Inter-Company Power Agreement, which governs the generating units owned by OVEC. AEP Ohio also proposed to include its contractual entitlement to a portion of the output of these OVEC generating units in the PPA Rider.

Buckeye was a signatory to the Joint Stipulation and Recommendation dated December 14, 2015 (the “Stipulation”) and filed in the PPA Proceeding. The Commission approved the Stipulation (with modifications) on March 31, 2016. As part of the approved Stipulation, AEP

Ohio agreed to file an application to request modifications to and extend the term of ESP III.¹

Pursuant to the terms of the Stipulation and the Commission's order approving it, AEP Ohio filed its application to amend and extend its ESP III in the docket designed for the ESP III Proceeding. On September 7, 2016, the attorney examiners in the above-captioned matter directed AEP Ohio to refile its application to amend and extend ESP III in a separate docket. AEP Ohio has received an extension through November 23, 2016 to file its application.

II. Legal Standards for Intervention.

Pursuant to RC 4903.221, any person who may be adversely affected by a Commission proceeding may intervene in such proceeding. In deciding whether to permit intervention, the Commission shall consider:

- (1) The nature and extent of the prospective intervenor's interest;
- (2) The legal position advanced by the prospective intervenor and its probable relation to the merits of the case;
- (3) Whether the intervention by the prospective intervenor will unduly prolong or delay the proceedings;
- (4) Whether the prospective intervenor will significantly contribute to full development and equitable resolution of the factual issues; and
- (5) The extent to which the person's interest is represented by existing parties.

Ohio Adm.Code 4901-1-11. Buckeye meets this standard.

Buckeye should be granted intervention because it has a real and substantial interest in this proceeding. Buckeye is a signatory to the Stipulation which precipitated the filing of this application and this proceeding. In the Stipulation, AEP Ohio specifically agreed to include certain provisions in its application.² Therefore, Buckeye, as a signatory to the Stipulation has an

¹ See *In the Matter of the Application Seeking Approval of Ohio Power Company's Proposal to Enter into An Affiliate Power Purchase Agreement for Inclusion in the Power Purchase Agreement Rider*, Case No. 14-1693-EL-RDR, Joint Stip. at 10-13.

² *Id.* at 10.

interest in ensuring that AEP Ohio fully adheres to the terms agreed upon in the Stipulation.

Buckeye's interests cannot be adequately addressed by other parties because Buckeye also seeks to ensure that nothing in the amended and extended version of ESP III adversely impacts Buckeye's unique interests in the PPA Rider³ and Stipulation.

Finally, Buckeye's participation will not unduly prolong or delay the proceeding. This Motion is timely, as the Commission has not yet established a procedural schedule in this matter nor has it issued any ruling.

III. Conclusion

For the aforementioned reasons, Buckeye satisfies the criteria set forth in both RC 4903.221 and Ohio Adm.Code 4901-1-11. Therefore, Buckeye's Motion to Intervene should be granted.

Respectfully submitted,

/s/ Stephanie M. Chmiel

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³ As explained in Buckeye's Motion to Intervene in the PPA Proceeding, Buckeye and AEPGR jointly own the Cardinal Station located in Brilliant, Ohio. In the PPA Proceeding, AEP Ohio requested that AEPGR's interest in Cardinal Unit No. 1 and in the Cardinal Station Agreement between Buckeye and AEPGR be included in the PPA and the PPA Rider. See *In the Matter of the Application Seeking Approval of Ohio Power Company's Proposal to Enter into An Affiliate Power Purchase Agreement for Inclusion in the Power Purchase Agreement Rider*, Case No. 14-1693-EL-RDR, Buckeye Power, Inc.'s Mot. to Intervene.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion to Intervene of Buckeye Power, Inc. has been served by electronic mail delivery upon the persons listed below on this 31st day of October, 2016.

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Summary: Motion Buckeye Power Inc.'s Motion to Intervene electronically filed by Ms. Stephanie M Chmiel on behalf of Buckeye Power, Inc.