

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Joint Application        )  
of Acero Junction, Inc. and Ohio Power    )  
Company for Approval of a Unique         )  
Arrangement                                    )

Case No. 17-2132-EL-AEC

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**MOTION TO INTERVENE AND MEMORANDUM IN SUPPORT  
OF INDUSTRIAL ENERGY USERS-OHIO**

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**November 3, 2017**

**Attorneys for Industrial Energy Users-Ohio**

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Industrial Energy Users-Ohio (“IEU-Ohio”) hereby respectfully moves the Public Utilities Commission of Ohio (“Commission”), pursuant to R.C. 4903.221 and Rule 4901-1-11, Ohio Administrative Code, for leave to intervene in the above-captioned matter with the full powers and rights granted by the Commission, specifically by statute, or by the provisions of the Ohio Administrative Code to intervening parties. The reasons supporting this motion are set out in the accompanying Memorandum in Support.

Respectfully submitted,

/s/ Frank P. Darr

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**MEMORANDUM IN SUPPORT**

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In support of this Motion to Intervene, IEU-Ohio states that it is an association of ultimate customers. A current listing of IEU-Ohio member companies is available on IEU-Ohio's website at [http://www.ieu-ohio.org/member\\_list.aspx](http://www.ieu-ohio.org/member_list.aspx). IEU-Ohio's members purchase substantial amounts of electric and related services from Ohio's electric distribution utilities ("EDU").

IEU-Ohio's members work together to address matters that affect the availability and price of utility services. Additionally, IEU-Ohio seeks to promote customer-driven policies that will assure an adequate, reliable, and efficient supply of energy for all consumers at competitive prices. To this end, IEU-Ohio has worked and will continue to work to produce legislative, regulatory, and market outcomes that are consistent with the State policy contained in R.C. 4928.02.

R.C. 4903.221 provides:

Any other person who may be adversely affected by a public utilities commission proceeding may intervene in such proceeding, provided:

(A) That such other person files a motion to intervene with the commission no later than:

(1) Any specific deadline established by order of the commission for purposes of a particular proceeding; or, if no such deadline is established;

(2) Five days prior to the scheduled date of hearing. The public utilities commission may, in its discretion, grant motions to intervene which are filed after the deadlines set forth in divisions (A)(1) and (2) of this section for good cause shown.

(B) That the commission, in ruling upon applications to intervene in its proceedings, shall consider the following criteria:

(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.

See, also, Rule 4901-1-11, OAC. Under R.C. 4903.221 and the Commission's rule, the Commission is to liberally grant intervention. *Ohio Consumers' Counsel v. Pub. Utils. Comm'n of Ohio*, 111 Ohio St. 3d 384 (2006).

Under the applicable requirements, IEU-Ohio should be granted intervention.

Initially, IEU-Ohio has a real and substantial interest inasmuch as this proceeding may directly or indirectly impact the provision of electric service to IEU-Ohio members' manufacturing facilities served by Ohio Power Company ("AEP-Ohio"). The application provides that Acero Junction, Inc. ("Acero") is seeking a reasonable arrangement under which it will secure rate reductions through an interruptible credit and participation in a transmission pilot program. If the monthly rate credit Acero receives through the interruptible credit is not sufficient to offset 85% of its monthly transmission and distribution charges, the customer requests that it receive an additional monthly credit in the amount to offset 85% of those charges. AEP-Ohio would be authorized to recover "delta" revenue to offset this credit from other customers, including those that are members of IEU-Ohio. Accordingly, IEU-Ohio is so situated that the disposition of this

proceeding may adversely affect its ability to protect members' interest in reasonable rates.

IEU-Ohio's participation will not unduly prolong or delay this proceeding. By rule, intervention should be filed within twenty days of the filing of an application for a reasonable arrangement. See Rule 4901:1-38-03(E) and Rule 4901:1-38-05(F). In an Entry on October 27, 2017, however, the Commission extended the deadline for filing motions to intervene and comments that provided for parties to file within 20 days of the date of the Entry. Under either the Commission's rules or the Entry, IEU-Ohio's motion to intervene is timely. Further, IEU-Ohio has familiarity with the Commission's rules and practices such that it will not unduly delay or prolong the proceeding.

Additionally, IEU-Ohio can significantly contribute to the full development and equitable resolution of the factual and other issues in the proceeding. As a well-versed participant in energy matters before the Commission including the prosecution of reasonable arrangements, the experience of IEU-Ohio in the Ohio energy market will contribute to the development of issues related to this application.

Finally, the interests of IEU-Ohio will not be adequately represented by other parties to the proceeding. At the time of this intervention, no other party representing the interests of large energy consumers has sought to intervene, and IEU-Ohio is uniquely situated to represent those interests due to long involvement in these kinds of matters.

Based on these representations, IEU-Ohio is entitled to intervene with the full powers and rights granted by the Commission, specifically by statute and by the

provisions of the Ohio Administrative Code, to intervening parties. Therefore, the Commission should grant its Motion to Intervene.

Respectfully submitted,

/s/ Frank P. Darr

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**CERTIFICATE OF SERVICE**

In accordance with Rule 4901-1-05, Ohio Administrative Code, the PUCO's e-filing system will electronically serve notice of the filing of this document upon the following parties. In addition, I hereby certify that a service copy of the foregoing *Motion to Intervene and Memorandum in Support of Industrial Energy Users-Ohio* was sent by, or on behalf of, the undersigned counsel for IEU-Ohio to the following parties of record this 3rd day of November, 2017, *via* electronic transmission.

/s/ Frank P. Darr

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Summary: Motion Motion to Intervene and Memorandum in Support of Industrial Energy Users-Ohio electronically filed by Mr. Frank P Darr on behalf of Industrial Energy Users-Ohio