

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of)
Ohio Valley Electric Corporation) Case No. 15-892-EL-AEC
for Approval of Termination of Service.)

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

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MOTION TO INTERVENE OF INDUSTRIAL ENERGY USERS-OHIO

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

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. 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.

The application seeks the termination of a contract between the Ohio Valley Electric Corporation and the Department of Energy for the provision of electric service to a former uranium enrichment facility located in Portsmouth, Ohio. Following termination of the contract, the Ohio Power Company will provide distribution service.

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 an interest in this matter that may be affected by this matter. As noted above, IEU-Ohio members are served by the Ohio Power Company, which will serve the DOE facility upon termination of the contract between DOE and OVEC. As the effect of this change in service may affect the terms and conditions of service of IEU-Ohio members served by the Ohio Power Company, IEU-Ohio has an interest in the outcome of this case. IEU-Ohio seeks to intervene to advance the interests of its members in this proceeding.

IEU-Ohio's participation will not unduly prolong or delay this proceeding. The Commission has not set a date by which intervention must be filed and this motion complies with the requirements of R.C. 4903.221. Further, IEU-Ohio is an experienced participant in Commission proceedings.

Finally, IEU-Ohio's participation will contribute to the full development and equitable resolution of the factual issues. As a party with significant experience in regard to the issues involving OVEC in various Commission proceedings, IEU-Ohio can provide the Commission with a point of view of the matter before the Commission from the large industrial customer's prospective. This insight and experience will thus assist the Commission in assuring an outcome that promotes an equitable resolution.

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.

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