

In the Matter of the Long-Term )  
Forecast Report of Ohio Power ) Case No. 18-501-EL-FOR  
Company and Related Matters. )

**Matthew R. Pritchard** (Reg. No. 0088070)  
(Counsel of Record)  
**Frank P. Darr** (Reg. No. 0025469)  
MCNEES WALLACE & NURICK LLC  
21 East State Street, 17<sup>TH</sup> Floor  
Columbus, OH 43215  
Telephone: (614) 469-8000  
Telecopier: (614) 469-4653  
mpritchard@mwncmh.com  
(willing to accept service by e-mail)  
fdarr@mwncmh.com  
(willing to accept service by e-mail)

## Attorneys for Industrial Energy Users-Ohio

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

|                                |   |                        |
|--------------------------------|---|------------------------|
| In the Matter of the Long-Term | ) |                        |
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**MOTION TO INTERVENE OF 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/ Matthew R. Pritchard

**Matthew R. Pritchard** (Reg. No. 0088070)  
(Counsel of Record)

**Frank P. Darr** (Reg. No. 0025469)

MCNEES WALLACE & NURICK LLC

21 East State Street, 17<sup>TH</sup> Floor

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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"), including Ohio Power Company ("AEP-Ohio").

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 natural gas services policy contained in R.C. 4928.02 and 4929.02.

In a prior case, the Commission approved a settlement that included a term in which AEP-Ohio committed to develop up to 900 MW of renewable generation. *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 Nos. 14-1693-EL-RDR, *et al.*, Opinion and Order at 42-44

(Mar. 31, 2016). Subsequently, AEP-Ohio sought and received approval of a separate “placeholder” rider to recover the costs of renewable projects not recovered through the sale of power in the PJM markets. *In the Matter of the Application of Ohio Power Company for Authority to Establish a Standard Service Offer Pursuant to R.C. 4928.143, in the Form of an Electric Security Plan*, Case Nos. 16-1852-EL-SSO, *et al.*, Opinion and Order at 20-22 (Apr. 25, 2018).

In the amendment to the Long Term Forecast Report in this case, AEP-Ohio is seeking a determination of need for up to 900 MW of renewable generation. Amendment to the 2018 Long-Term Forecast Report of Ohio Power Company (Sept. 19, 2018). Rather than file applications for individual facilities, AEP-Ohio seeks a determination that up to 900 MW of renewable generation are needed although it admits that PJM markets currently adequately supply capacity and energy to the AEP zone. *Id.* at 1 and 3-7. In support of the required need finding, it claims it can procure renewable resources that “will provide a necessary and valuable price advantage for customers (as compared to market prices).” *Id.* at 5. It also relies on customer surveys indicating that “customers have expressed a desire and need for long-term renewable power generated in Ohio.” *Id.* at 7.

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 that may be affected by this matter because members are customers of AEP-Ohio that will be billed for the above market costs of the generation if AEP-Ohio's predictions prove incorrect. Accordingly, IEU-Ohio has an interest in the outcome of this proceeding.

Additionally, 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 and participated in each of the proceedings leading to AEP-Ohio's request in this case.

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 the provision of utility services by rate regulated utilities 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 assist the Commission in reaching an equitable outcome.

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/ Matthew R. Pritchard

**Matthew R. Pritchard** (Reg. No. 0088070)  
(Counsel of Record)

**Frank P. Darr** (Reg. No. 0025469)

MCNEES WALLACE & NURICK LLC

21 East State Street, 17<sup>TH</sup> Floor

Columbus, OH 43215

Telephone: (614) 469-8000

Telecopier: (614) 469-4653

mpritchard@mwncmh.com

fdarr@mwncmh.com

**Attorneys for Industrial Energy Users-Ohio**

## **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 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 on September 26, 2018, via electronic transmission.

/s/ Matthew R. Pritchard

Matthew R. Pritchard

**Steven T. Nourse** (Reg. No. 0046705)  
(Counsel of Record)  
**Christen M. Blend** (Reg. No. 0086881)  
American Electric Power Service  
Corporation  
1 Riverside Plaza, 29<sup>th</sup> Floor  
Columbus, OH 43215  
stnourse@aep.com  
cmbblend@aep.com

**Eric B. Gallon** (Reg. No. 0071465)  
**L. Bradfield Hughes** (Reg. No. 0070997)  
Porter Wright Morris & Arthur, LLP  
41 South High Street, 30<sup>th</sup> Floor  
Columbus, OH 43215  
egallon@porterwright.com  
bhughes@porterwright.com

**Christopher L. Miller** (Reg. No. 0063259)  
**Jason M. Rafeld** (Reg. No. 0079809)  
Ice Miller LLP  
250 West Street  
Columbus, OH 43215  
Christopher.miller@icemiller.com  
Jason.rafeld@icemiller.com

### **COUNSEL FOR OHIO POWER COMPANY**

**Michael L. Kurtz**  
**Kurt J. Boehm**  
**Jody Kyler Cohn**  
Boehm, Kurtz & Lowry  
36 East Seventh Street, Suite 1510  
Cincinnati, OH 45202  
mkurtz@BLKlawfirm.com  
kboehm@BLKlawfirm.com  
jkylercohn@BLKlawfirm.com

### **COUNSEL FOR THE OHIO ENERGY GROUP**

**William L. Wright** (Reg. No. 0018010)  
Chief, Public Utilities Section  
Assistant Attorney General  
Office of the Ohio Attorney General  
30 E. Broad St., 16<sup>th</sup> Floor  
Columbus, OH 43215  
william.wright@ohioattorneygeneral.gov

### **COUNSEL FOR THE STAFF OF THE PUBLIC UTILITIES COMMISSION OF OHIO**

**Sarah Parrot**  
**Greta See**  
Attorney Examiners  
Public Utilities Commission of Ohio  
180 East Broad Street, 12<sup>th</sup> Floor  
Columbus, OH 43215  
Sarah.Parrot@puc.state.oh.us  
Greta.See@puc.state.oh.us

### **ATTORNEY EXAMINERS**

**This foregoing document was electronically filed with the Public Utilities**

**Commission of Ohio Docketing Information System on**

**9/26/2018 12:58:27 PM**

**in**

**Case No(s). 18-0501-EL-FOR**

Summary: Motion to Intervene and Memorandum in Support of Industrial Energy Users-Ohio  
electronically filed by Mr. Matthew R. Pritchard on behalf of Industrial Energy Users-Ohio