

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Long-Term Forecast)	
Report of Ohio Power Company and)	Case No. 18-501-EL-FOR
Related Matters)	
)	
In the Matter of the Application Seeking)	
Approval of Ohio Power Company's)	
Proposal to Enter into a Renewable)	Case No. 18-1392-EL-RDR
Energy Purchase Agreement for Inclusion)	
in the Renewable Generation Rider)	
)	
In the Matter of the Application of Ohio)	Case No. 18-1393-EL-ATA
Power Company to Amend its Tariffs)	
)	

**MOTION TO INTERVENE
BY THE OHIO ENVIRONMENTAL COUNCIL**

The Ohio Environmental Council ("OEC") respectfully moves for leave to intervene in the above-captioned cases, in which Ohio Power Company ("AEP Ohio" or "the Company") seeks approval of renewable energy development in Ohio. Pursuant to Ohio Revised Code § 4903.221 and Ohio Administrative Code 4901-1-11, the Public Utilities Commission of Ohio ("the Commission") should grant OEC's Motion because the organization and its members have a substantial interest in the outcome of these cases, it represents interests separate from those of the already existing parties, and its contribution will lead to a just and expeditious resolution of the issues involved in the proceeding without causing undue delay.

The OEC is a not-for-profit organization devoted to ensuring Ohioans have access to clean water, clean air, and a healthy environment. OEC has provided a more detailed

explanation of its standing in this case, reasons for intervention, and arguments why the Commission should grant its Motion in the accompanying Memorandum in Support.

Respectfully Submitted,

/s/Miranda Leppla

Miranda Leppla (0086351)

1145 Chesapeake Avenue, Suite I

Columbus, Ohio 43212-3449

(614) 487-7506 - Telephone

(614) 487-7510 - Fax

mleppla@theOEC.org

October 5, 2018

***Counsel for the Ohio Environmental
Council***

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Long-Term Forecast)	
Report of Ohio Power Company and)	Case No. 18-501-EL-FOR
Related Matters)	
)	
In the Matter of the Application Seeking)	
Approval of Ohio Power Company's)	
Proposal to Enter into a Renewable)	Case No. 18-1392-EL-RDR
Energy Purchase Agreement for Inclusion)	
in the Renewable Generation Rider)	
)	
In the Matter of the Application of Ohio)	Case No. 18-1393-EL-ATA
Power Company to Amend its Tariffs)	
)	

MEMORANDUM IN SUPPORT

I. Introduction

The Ohio Environmental Council ("OEC") requests to intervene in these proceedings filed by the Ohio Power Company ("AEP Ohio" or "the Company"), related to renewable energy development. AEP Ohio has requested that Case Nos. 18-501-EL-FOR ("Long-Term Forecast Case"), 18-1392-EL-RDR ("RGR Case"), and 18-1393-EL-ATA ("Green Tariff Case"), all of which relate to renewable energy development in its territory, be consolidated. In the Long-Term Forecast Case, AEP Ohio amended its 2018 Long-Term Forecast Report "to demonstrate the need for at least 900 megawatts (MW) of renewable energy projects in Ohio", including "at least 400 MW nameplate capacity for solar energy projects."¹ AEP Ohio then filed to develop those renewable energy projects and obtain Commission approval of two 400MW solar energy resources, and to create a new Green Power Tariff, under which customers could purchase

¹ PUCO Case No. 18-501-EL-FOR, Ohio Power Company, Amd. to 2018 Long-Term Forecast Report at 1-2.

renewable energy certificates for the environmental attributes from the proposed solar energy resources.²

As an environmental advocacy organization, OEC has a special interest in the outcome of these cases because of the direct impact that AEP's proposal of the 400MW will have on Ohio's generation mix as well as customer rates in the state. Accordingly, OEC's interest in these proceedings arise from the direct and indirect impacts that the issues presented will have on the environment of the state of Ohio and the region, and the electricity costs of its members in the AEP service territory.

II. Ohio law permits intervention of parties in cases before the Public Utilities Commission of Ohio.

The Ohio Revised Code permits parties "who may be adversely affected by a public utilities commission proceeding [to] intervene in such proceeding." R.C. § 4903.221. The Commission has four factors for consideration of such motions for intervention:

- (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. R.C. §4903.221(B).

This statute is further amplified by OAC §4901-1-11, which states that the Commission may permit intervention based on the following five factors:

- (1) The nature and extent of the prospective intervenor's interest. The legal position advanced by the prospective intervenor and its probable relation to the merits of the case.

² See, PUCO Case Nos. 18-1392-EL-RDR and 18-1393-EL-ATA.

- (2) Whether the intervention by the prospective intervenor will unduly prolong or delay the proceedings.
- (3) Whether the prospective intervenor will significantly contribute to full development and equitable resolution of the factual issues.
- (4) The extent to which the person's interest is represented by existing parties.

Ohio Admin. Code 4901-1-11(B). OEC satisfies this five-factor balancing test based on the argument discussed in detail in the remaining portions of this Memorandum.

III. The Commission should grant the Ohio Environmental Council's Motion to Intervene in the proceedings filed by AEP Ohio.

OEC respectfully requests the Commission grant its Motion to Intervene. OEC's interest in these cases is fundamental to its mission to protect Ohio's environment and ensure clean energy for all of the State's citizens, and that interest will fundamentally assist the Commission in its decision regarding AEP Ohio's proposals related to renewable energy development. Further, the Ohio Supreme Court has emphasized that "intervention ought to be liberally allowed so that the positions of all persons with a real and substantial interest in the proceedings can be considered by the [Commission]."³

a. The Ohio Environmental Council has a real and substantial interest in AEP Ohio's renewable energy proposals.

The OEC is a not-for-profit organization incorporated in Ohio under Section 501(c)(3) of the U.S. Internal Revenue Code, with approximately 3,000 individual members. Its main office is located at 1145 Chesapeake Avenue, Suite I, Columbus, OH 43212. The OEC's principal purpose is to protect the natural resources and environment of the citizens of the State of Ohio.

³ *Ohio Consumers' Counsel v. Pub. Util. Comm.*, 111 Ohio St.3d 384, 2006-Ohio-5853, 856 N.E.2d 940, ¶ 20.

OEC can best protect Ohio's environment and natural resources by pursuing a clean energy future for the state, which includes intervening in the Long-Term Forecast, RGR and Green Tariff Cases. OEC's goal is to protect Ohio's environment by reducing air pollution coming from the electric power sector, and therefore OEC has a real and substantial interest in the issues, and the outcome, of the Commission's consideration of AEP Ohio's Long-Term Forecast and Applications. OEC satisfies the first prong of the OAC's five part balancing test for permissive intervention before the Commission.

b. The Ohio Environmental Council's legal position will assist in a just resolution of this case.

OEC seeks to ensure AEP Ohio's Long-Term Forecast and Applications comply with the letter and intent of the state's energy law and policies, and intend to recommend improvements and alternatives to proposals that are not in sync with the needs of Ohioans and our environment. OEC will provide additional resources and knowledge to assist the Commission in carefully reviewing and analysis of the proposals to ensure the outcome of these cases ensures environmental benefits for Ohio.

c. The intervention of the Ohio Environmental Council will not cause undue delay to the Commission's review of AEP Ohio's filings.

OEC has timely filed this Motion to Intervene with the intention to pursue a fair adjudication of the merits of the above-captioned cases. OEC has no intention to cause undue delay to the Commission's review of the Long-Term Forecast and Applications, and its experience in matters before the Commission illustrates its ability to participate without causing

undue delay in any type of proceeding. OEC has been consistently involved in the development and enactment of S.B. 221 and the associated rules, including as a party in numerous cases before the Commission. OEC's intervention will not unduly prolong or delay these proceedings, but will in fact add value to the development of this case.

Accordingly, OEC's intervention in the Commission's review of AEP Ohio's Long-Term Forecast and the Applications will not cause undue delay.

d. The Ohio Environmental Council will contribute to a just and expeditious resolution of the issues involved in the proceedings.

OEC will contribute to a just and expeditious resolution of the issues involved in the proceedings because of OEC's expertise in presenting relevant factors for the Commission's review of adjudicatory matters. OEC has a vast array of experience before the Commission, and most relevant here, that includes participation in AEP Ohio's power purchase agreement proceeding and electric security plan amendment proceeding, from which AEP Ohio's commitment to propose 900MW of clean energy arises.⁴ OEC has also been heavily involved in efficiency portfolio cases, rulemakings, electric utility ratemaking cases, grid modernization proceedings, the PowerForward grid modernization efforts at the Commission, and a host of other docketed cases before the Commission. Accordingly, OEC's perspective will assist in the just and expeditious resolution of the issues and will not detract or confuse that process.

⁴ See, *In re App. Seeking Approval of Ohio Power Co.'s Proposal to Entry into an Affiliate Power Purchase Agreement for Inclusion in the Power Purchase Agreement Rider*, Case No. 14-1693-EL-RDR, et al., Entry (Sept. 14, 2015); *In re App. of Ohio Power Co. for Authority to Est. a Std. Serv. Offer Pursuant to R.C. 4928.143, in the Form of an Elec. Sec. Plan*, Case. No. 16-1852-EL-SSO, Entry (Mar. 22, 2017).

- e. The Ohio Environmental Council has different interests than those of existing parties, and it can represent those interests more effectively than existing parties.**

OEC intervenes in these proceedings with a particular focus on the clean energy needs of Ohioans, and a desire to ensure Ohioans' money is used in a way that will best help them ensure a cleaner future for our state. OEC represents different interests, and different constituents, than those already existing parties, and thus the interests of the OEC is vital to the Commission's adjudication of this proceeding. OEC also notes that it is the Commission's stated policy "to encourage the broadest possible participation in its proceedings."⁵ The Commission should not apply its intervention criteria in a manner that would favor one environmental or consumer advocate to the exclusion of others, and OEC requests that its Motion to Intervene be granted.

IV. Conclusion

The Commission should grant OEC's Motion to Intervene in the Commission's review of Case Nos. 18-501-EL-FOR ("Long-Term Forecast Case"), 18-1392-EL-RDR ("RGR Case"), and 18-1393-EL-ATA ("Green Tariff Case"), all of which relate to renewable energy development in AEP Ohio territory. OEC has a real and substantial interest in the effect of these cases on Ohio's clean energy future, and OEC has an important legal perspective in this proceeding. Its intervention will not cause undue delay in the Commission's review, and OEC will contribute to a just and expeditious resolution of the issues involved, while representing those interests more effectively than already existing parties. Finally, the Ohio Supreme Court has emphasized the liberal nature of the legal standard at play for intervention into Commission proceedings.⁶ For

⁵ *Cleveland Elec. Illum. Co.*, Case No. 85-675-EL-AIR, Entry dated January 14, 1986, at 2.

⁶ See *Ohio Consumer's Council*, at ¶ 20.

the reasons stated in this Memorandum in Support and because OEC meets all of the criteria established by R.C. 4903.221 and O.A.C. 4901-1-11(A)(5), OEC respectfully requests that the Commission grant its Motion to Intervene in the above-captioned cases.

Respectfully Submitted,

/s/ Miranda Leppla
Miranda Leppla (0086351)
1145 Chesapeake Avenue, Suite I
Columbus, Ohio 43212-3449
(614) 487-7506 - Telephone
(614) 487-7510 - Fax
mleppla@theOEC.org

October 5, 2018

***Counsel for the Ohio Environmental
Council***

CERTIFICATE OF SERVICE

I hereby certify that a copy of this filing will be electronically served via the Public Utility Commission of Ohio's e-filing system and via email on all parties referenced in the service list of the docket.

/s/ Miranda Leppla
Miranda R. Leppla

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

10/5/2018 5:29:25 PM

in

Case No(s). 18-0501-EL-FOR, 18-1392-EL-RDR, 18-1393-EL-ATA

Summary: Motion to Intervene and Memorandum in Support of the Ohio Environmental Council electronically filed by Ms. Miranda R Leppla on behalf of Ohio Environmental Council