

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the 2018 Long-Term Forecast	:	
Report of Ohio Company and Related Matters.	:	Case No. 18-501-EL-FOR
	:	
In the Matter of the Application of Ohio	:	
Power Company for Approval to Enter into	:	
Renewable energy Purchase Agreements for	:	
Inclusion in the Renewable Generation Rider.	:	Case No. 18-1392-EL-RDR
	:	
In the Matter of the Application of Ohio Power	:	
Company for Approval to Amend Its Tariffs.	:	Case No. 18-1393-EL-ATA

CALPINE RETAIL HOLDINGS, LLC'S MOTION TO INTERVENE

Calpine Retail Holdings, LLC (“Calpine Retail”)¹ respectfully moves the Public Utilities Commission of Ohio to grant it leave to intervene in the above-styled cases pursuant to Ohio Revised Code §4903.221 and Ohio Administrative Code Rule §4901-1-11. The reasons supporting this Motion are set out in the attached Memorandum in Support.

Respectfully submitted,

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¹ Calpine Retail is the parent company for Calpine Energy Solutions, LLC (“Calpine Solutions”), North American Power, LLC (North American”), and Champion Energy Services, LLC (“Champion Energy”).

MEMORANDUM IN SUPPORT

I. FACTS

By an Order dated April 25, 2018 in Case No. 16-1852-EL-SSO (“ESP IV Case”), the Public Utilities commission of Ohio (“Commission” or “PUCO”) approved the creation of a placeholder Renewable Generation Rider (“RGR”) for the Ohio Power Company’s (“AEP Ohio’s”) use. The RGR was created to better distinguish between new renewable projects and the net costs associated with Ohio Valley Electric Corporation (“OVEC”).

On April 16, 2018, the Ohio Power Company (“AEP Ohio”) filed its 2018 Long-Term Forecast Report (“LTFR”) pursuant to Ohio Revised Code §4935.04. AEP Ohio’s LTFR was docketed as Case No. 18-501-EL-FOR (“LTFR Case”). On September, 27, 2018, AEP filed an Application (“Application”) in Case No. 18-1392-EL-RDR and Case No. 18-1393-EL-ATA (“Renewable Energy Cases”). The Renewable Energy Cases were filed because: (1) AEP Ohio seeks the Commission’s approval to include two-solar energy projects into its RGR; (2) AEP seeks the Commission’s approval for a “Green Tariff” under R.C. §4909.18 (“Green Tariff”). The LTFR Case and the Renewable Energy Cases (collectively the Renewable Energy Cases and the LTFR Case shall be known as “Consolidated Cases”) were consolidated by the Commission by an Entry dated October 22, 2018 (“October Entry”). The October Entry also set procedural schedule for the Consolidated Cases.

For the following reasons, Calpine Retail Holdings, LLC (“Calpine Retail”)² should be permitted to intervene in the Consolidated Cases.

² Calpine Retail is the parent company for Calpine Energy Solutions, LLC (“Calpine Solutions”), North American Power, LLC (North American”), and Champion Energy Services, LLC (“Champion Energy”).

II. LAW AND ARGUMENT

For purposes of considering requests for leave to intervene in a Commission proceeding, the Ohio Administrative Code (“O.A.C.”) provides that:

Upon timely motion, any person shall be permitted to intervene in a proceeding upon a showing that: . . . (2) The person has a real and substantial interest in the proceeding, and the person is so situated that the disposition of the proceeding may, as a practical matter, impair or impede his or her ability to protect that interest, unless the person's interest is adequately represented by existing parties.

O.A.C. §4901-1-11(A).

Further, R.C. §4903.221(B) and Ohio Admin. Code § 4901-1-11(B) provide 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.

R.C. § 4903.221(B). Further, the Ohio Supreme Court has stated 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 PUCO.” *Ohio Consumers’ Counsel v. Pub. Util. Comm.*, 111 Ohio St.3d 384, 388 (2006).

First, the Calpine Retail has a real and substantial interest in the proceeding and may experience negative economic impacts if AEP Ohio’s Application is approved. Calpine Retail is the parent company to Calpine Solutions, North America and Champion Energy. Calpine Solutions currently sells competitive retail natural gas (“CRES”) services to mercantile customers in Ohio. Champion Energy sells CRES services to commercial and industrial customers in Ohio. North American sells CRES services to commercial and residential

customers in Ohio. As the parent company of CRES providers, Calpine Retail is committed to participate in and promote competitive energy markets. AEP Ohio's proposal would greatly hinder the Ohio CRES market by providing it with an unfair competitive advantage. This unfair advantage derives from AEP Ohio's proposed purchase power agreement ("PPA"). Specifically, AEP Ohio's PPA will likely terminate any private investment from any non-subsidized recourses to the detriment of completion. This unfair advantage could also negatively impact the competitive retail market in which Calpine Retail conduct its business. The disposition of this proceeding could therefore impair Calpine Retail's ability to protect its interests in maintaining and growing the competitive electric service markets in Ohio.

Second, Calpine Retail presents a unified perspective that is not represented by the parties to this matter. Furthermore, should other CRES providers seek intervention, their business and marketing strategies are likely to diverge widely from that of the Calpine Retail, and from those of each other. Accordingly, it would be appropriate for this Commission to grant intervention to all CRES Retail that seek intervention.

Third, Calpine Retail's intervention will not unduly prolong or delay the proceeding. The October Entry ordered October 29, 2018 as the deadline for intervening parties to file their motions. Calpine Retail submitted this Motion on or before that deadline. In addition, Calpine Retail will duly allow for the efficient processing of the case by adhering to the current case schedule set by the Commission.

Finally, Calpine Retail will significantly contribute to the development, and ultimate resolution, of the facts issues in this case by providing the perspective of multiple CRES providers that serve different markets.

For the reasons set forth above, Calpine Retail respectfully requests the Commission grant this Motion to Intervene.

Respectfully submitted,

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CERTIFICATE OF SERVICE

In accordance with Rule §4901-1-05 of the Ohio Administrative Code, the PUCO's e-filing system will electronically service notice of this filing upon the parties to these cases:

/s/ Justin M. Dortch
Justin M. Dortch

This foregoing document was electronically filed with the Public Utilities

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in

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

Summary: Motion Calpine Retail Holdings, LLC's Motion to Intervene. electronically filed by Mr. Justin M Dortch on behalf of Calpine Retail Holdings, LLC