

In the Matter of the PowerForward)
Collaborative.) Case No. 18-1595-EL-GRD
)

Pursuant to Ohio Revised Code 4903.221 and Ohio Administrative Code 4901-1-11, the Environmental Law & Policy Center (“ELPC”) respectfully moves to intervene in the above-captioned proceeding. As explained more thoroughly in the attached Memorandum in Support, ELPC has a real and substantial interest in this proceeding, which the Public Utilities Commission of Ohio (“Commission”) initiated to provide “an interactive forum tasked with monitoring, facilitating and accommodating the evolution of a marketplace that promotes innovation and the delivery of products and services which enhance the customer experience in a manner consistent with the principles and objectives identified in” its August 29, 2018 report entitled *PowerForward: A Roadmap to Ohio's Electricity Future*. Entry (Oct. 24, 2018) at 2.

Additionally, the interests of ELPC are not adequately represented by any other party to this matter and its participation in this proceeding will contribute to a just and expeditious resolution of the issues and questions. Further, ELPC's participation will not unduly delay the proceedings or prejudice any other party.

ELPC respectfully requests this Commission grant its motion to intervene for these reasons and those set forth in more detail in the attached Memorandum in Support.

Respectfully submitted,

/s/ Madeline Fleisher
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Ohio Revised Code (“R.C.”) 4903.221 states that “[a]ny other person who may be adversely affected by a public utilities commission proceeding may intervene in such proceeding” provided the Commission makes certain determinations. In this proceeding, the Public Utilities Commission of Ohio (“Commission” or PUCO) has established a PowerForward Collaborative as “an interactive forum tasked with monitoring, facilitating and accommodating the evolution of a marketplace that promotes innovation and the delivery of products and services which enhance the customer experience in a manner consistent with the principles and objectives identified in the” August 29, 2018 report entitled *PowerForward: A Roadmap to Ohio’s Electricity Future* (“Roadmap”). Entry (Oct. 24, 2018) at 2. As described in the Entry opening this docket, the Collaborative will address topics including electric vehicles and non-wires alternatives deployment to address distribution system needs. *Id.* The Environmental Law & Policy Center (“ELPC”) seeks to intervene in this proceeding.

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clean energy resources. As a regional organization with a presence and members in Ohio, ELPC and its members may be adversely affected by the outcome of this proceeding, and its interests are not adequately represented by the other parties hereto.

R.C. 4903.221 requires the Commission to consider four factors when presented with a motion to intervene. In addition, the Commission's procedural rules at Ohio Administrative Code ("Ohio Adm. Code") 4901-11-1 similarly provide that it shall consider five factors when weighing a motion to intervene. ELPC's motion meets all of the factors required by statute and rule.

Pursuant to R.C. 4903.221, the Commission must consider:

- (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; [and]
- (4) Whether the prospective intervenor will significantly contribute to full development and equitable resolution of the factual issues.

R.C. 4903.221(B).

With respect to the first factor, ELPC has a substantial interest in the PowerForward Collaborative process. ELPC has an interest in ensuring the protection and promotion of cost-effective energy efficiency and renewable resources in the state, as well as transportation electrification through electric vehicle deployment, as Ohio distribution utilities invest in grid modernization technology. Further, ELPC has members in Ohio and its work focuses on Ohio energy and environmental issues. ELPC has participated actively in cases involving grid modernization issues, such as Case Nos. 13-1939-EL-RDR, 15-1830-EL-AIR *et al.*, 16-1852 *et al.*, and 17-2436-EL-UNC *et al.*, and an ELPC attorney served as a speaker in Phase 3 of the

PowerForward proceeding leading up to the issuance of the Roadmap report. As to the second factor, because of the potential impacts on ELPC and its Ohio members, ELPC seeks to contribute to PowerForward Collaborative discussions regarding next steps for establishing a modern grid that provides a platform for “innovation and the delivery of products and services which enhance the customer experience in a manner consistent with the principles and objectives identified in the” Roadmap. Entry (Oct. 24, 2018) at 2. ELPC seeks to ensure that such products and services include energy-saving and clean energy options for customers.

Under the third factor, ELPC’s inclusion will not unduly delay or prolong the proceeding, since the Commission has not set a procedural schedule for the PowerForward Collaborative’s efforts.

Finally, ELPC will significantly contribute to the full development and resolution of the PowerForward Collaborative’s work by bringing its unique perspective to bear. ELPC has expertise and experience throughout the Midwest regarding clean energy policy that will contribute to resolving the pending issues, and has participated in multiple proceedings in other states regarding retail electricity market and grid modernization issues.

Similarly, ELPC meets the requirements set forth in Ohio Adm. Code 4901-11-1(B):

- (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; [and]
- (5) The extent to which the person’s interest is represented by existing parties.

The first four factors mirror those in R.C. 4903.221, and for the same reasons as stated above, ELPC meets those factors. As to the fifth, ELPC maintains that no other party can adequately represent its interests as a regional environmental advocacy organization that also focuses on “green” economic development, including new manufacturing and job creation.

As explained above, analysis of the test demonstrates that ELPC meets the criteria set forth in both R.C. 4903.221 and Ohio Adm. Code 4901-11-1, and we respectfully ask this Commission to grant this motion to intervene in the above-captioned proceedings.

December 4, 2018

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing Motion to Intervene submitted on behalf of the Environmental Law & Policy Center was served by electronic mail, upon all Parties of Record on December 4, 2018.

/s Madeline Fleisher
Madeline Fleisher

This foregoing document was electronically filed with the Public Utilities

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Case No(s). 18-1595-EL-GRD

Summary: Motion Motion to Intervene by the Environmental Law & Policy Center
electronically filed by Madeline Fleisher on behalf of Environmental Law & Policy Center