

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Ohio)	
Power Company for Approval of its)	
Temporary Plan for Addressing the COVID-)	Case No. 20-602-EL-UNC
19 State of Emergency)	
)	
In the Matter of the Application of Ohio)	
Power Company for Waiver of Tariffs and)	Case No. 20-603-EL-WVR
Rules Related to the COVID-19 State of)	
Emergency)	
)	
In the Matter of the Application of Ohio)	
Power Company for Approval of Certain)	Case No. 20-604-EL-AAM
Accounting Authority)	
)	
In the Matter of the Application of Ohio)	
Power Company for Approval of a)	Case No. 20-734-EL-AEC
Reasonable Arrangement)	

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

The Ohio Environmental Council (“OEC”) respectfully moves for leave to intervene in the above-captioned cases, filed by Ohio Power Company (“AEP Ohio” or “Company”), seeking approval of its proposed plans to address its operations during and after the COVID-19 state of emergency. Pursuant to Ohio Revised Code § 4903.221 and Ohio Administrative Code 4901-1-11, the Public Utilities Commission of Ohio (“the Commission”) should grant the OEC’s Motion. The OEC has a real and substantial interest in this proceeding, represents interests separate from those of the already existing parties, and will contribute to a just and expeditious resolution of the issues involved in the proceeding without causing undue delay. The OEC has

provided a detailed explanation of its intervention in the accompanying Memorandum in Support.

Respectfully Submitted,

/s/Miranda Leppla

Miranda Leppla (0086351)

Counsel of Record

Trent Dougherty (0079817)

Chris Tavenor (0096642)

1145 Chesapeake Avenue, Suite I

Columbus, Ohio 43212-3449

(614) 487-7506 - Telephone

(614) 487-7510 - Fax

mleppla@theOEC.org

tdougherty@theOEC.org

ctavenor@theOEC.org

April 27, 2020

*Counsel for the Ohio Environmental
Council*

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Ohio Power Company for Approval of its Temporary Plan for Addressing the COVID-19 State of Emergency)	Case No. 20-602-EL-UNC
)	
In the Matter of the Application of Ohio Power Company for Waiver of Tariffs and Rules Related to the COVID-19 State of Emergency)	Case No. 20-603-EL-WVR
)	
In the Matter of the Application of Ohio Power Company for Approval of Certain Accounting Authority)	Case No. 20-604-EL-AAM
)	
In the Matter of the Application of Ohio Power Company for Approval of a Reasonable Arrangement)	Case No. 20-734-EL-AEC
)	

MEMORANDUM IN SUPPORT

I. Introduction

The Ohio Environmental Council (“OEC”) respectfully moves for leave to intervene in the above-captioned cases, filed by Ohio Power Company (“AEP Ohio” or “Company”), seeking approval from the Public Utilities Commission of Ohio (“Commission” or “PUCO”) of its proposed plans to address its operations during and after the COVID-19 state of emergency. As a non-profit environmental advocacy organization that focuses heavily on the environmental impacts of energy usage and, importantly here, impacts on environmental justice communities, the OEC has a special interest in the outcome of this case. Decisions related to suspension of otherwise applicable requirements for residential and nonresidential customers, or create unnecessary COVID-19 risks to those customers, will determine what impacts the crisis has on Ohioans and particularly environmental justice communities across Ohio, as well as what

impacts the crisis has on Ohio's opportunity for a clean energy future for all of its citizens.

Accordingly, OEC's interest in these proceedings arise from the direct and indirect impacts of AEP's proposal related to suspending disconnections and removing financial barriers to reconnection or continuity of service, as well as other recommendations related to deferrals and recovery of those made within the proposal.

II. Ohio law permits intervention of parties in cases before the PUCO.

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 may permit intervention under a balancing test based on the following five factors:

- (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.
- (5) The extent to which the person's interest is represented by existing parties.

Ohio Admin. Code 4901-1-11(B). The OEC satisfies this balancing test.

III. The OEC satisfies the PUCO's permissive intervention standard.

The OEC's mission is to protect Ohio's environment and ensure clean energy for all of the State's citizens, and that interest will assist Commission decisions made as part of this docket. 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]."¹ For the following reasons, the OEC requests that the Commission grant its Motion to Intervene in these proceedings.

¹ *Ohio Consumers' Counsel v. Pub. Util. Comm.*, 111 Ohio St.3d 384, 2006-Ohio-5853, 856 N.E.2d 940, ¶ 20.

a. The OEC has real and substantial interests related to the merits of the case that may be adversely affected by the outcome of the proceeding.

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, Ohio 43212. The OEC's principal purpose is to protect the natural resources and environment of the citizens of the State of Ohio. The OEC actively works in Ohio on environmental policies, including smart power, energy efficiency, climate change, natural gas fracking, sustainable agriculture, and environmental justice. The OEC also supports state energy policies that reduce greenhouse gas emissions, supporting efforts to mitigate the causes of climate change, so that all Ohioans have clean air to breathe.

The OEC's members may be adversely or positively affected by the proposals included in AEP's plan. Environmental justice is the principle that all people are entitled to equal environmental protection regardless of race, color, or national origin--the right to exist in a clean environment. Yet lower income communities and communities of color too often receive less protection from pollution and experience less enforcement of pollution laws. These communities include the Ohioans who stand to be the most severely impacted as a result of job loss and economic collapse, as well as most at-risk for COVID-19 and complications therefrom due to subpar air quality. Just as they are when climate impacts affect our state, Ohioans who live in these areas will be the most at-risk population as a result of the COVID-19 pandemic. The OEC's legal position in support of policies that recognize the challenges faced by environmental justice communities in particular directly relates to the merits of the decisions that will be made in these cases. The OEC therefore satisfies the first two prongs of the OAC's balancing test for permissive intervention before the Commission.

b. The intervention of the OEC will not cause undue delay.

The OEC has timely filed this Motion to Intervene to pursue fair adjudication of the merits of the above-captioned cases. The intervenor's experience in matters before the Commission illustrate its ability to participate without causing undue delay in any type of proceeding. The OEC's intervention will not unduly prolong or delay the proceeding; it will add value to the developments in these proceedings.

c. The OEC will contribute to a just and expeditious resolution of the issues involved in the proceeding.

The OEC will contribute to a just and expeditious resolution of the issues involved in the approval of the AEP proposed plan because of its expertise in presenting relevant factors for the Commission's review of adjudicatory matters. The OEC has consistently contributed to just resolutions in efficiency portfolio cases, rulemakings, electric utility ratemaking cases, grid modernization proceedings, and a host of other docketed cases before the Commission. Accordingly, the OEC's perspectives will assist in the just and expeditious resolution of the issues and will not detract or confuse that process.

d. The OEC has different interests than those of existing parties, and they can represent those interests more effectively than existing parties.

The OEC intervenes in the proceeding with a particular focus on the clean energy and environmental needs of all Ohioans. The OEC represents different interests and different constituents than those already existing parties, and thus the interests of the OEC are vital to the Commission's adjudication of AEP Ohio's proposed plans. The OEC also notes that the Commission's stated policy encourages "the broadest possible participation in its proceedings."²

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

The Commission should not apply its intervention criteria in a manner that would favor one environmental or consumer advocate to the exclusion of others.

IV. Conclusion

The OEC respectfully requests that the Commission grant its Motion to Intervene in the Commission's docketed cases considering AEP Ohio's plans to address their operation during and after the COVID-19 state of emergency. The OEC has a real and substantial interest in Ohio's clean energy future and of the environmental health of all of Ohio's citizens, an important legal perspective in this proceeding. The OEC's intervention will not cause undue delay in the Commission's review, and the organizations will contribute to a just and expeditious resolution of the issues involved, while representing its 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.³ Because the OEC meets all of the criteria established by R.C. 4903.221 and O.A.C. 4901-1-11(A)(5), it respectfully requests that the Commission grant its Motion to Intervene in the above-captioned case.

Respectfully Submitted,

/s/Miranda Leppla

Miranda Leppla (0086351)

Trent Dougherty (0079817)

Chris Tavenor (0096642)

1145 Chesapeake Avenue, Suite I

Columbus, Ohio 43212-3449

(614) 487-7506 - Telephone

(614) 487-7510 - Fax

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tdougherty@theOEC.org

ctavenor@theOEC.org

*Counsel for the Ohio Environmental
Council*

April 27, 2020

³ See *Ohio Consumers' Council*, at ¶ 20.

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing was served upon all parties of record via electronic mail on April 27, 2020.

/s/Miranda Leppla
Miranda Leppla

This foregoing document was electronically filed with the Public Utilities

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in

Case No(s). 20-0602-EL-UNC, 20-0603-EL-WVR, 20-0604-EL-AAM, 20-0734-EL-AEC

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