

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Ohio)	
Power Company for an Increase in Electric)	Case No. 20-585-EL-AIR
Distribution Rates.)	
)	
In the Matter of the Application of Ohio)	Case No. 20-586-EL-ATA
Power Company for Tariff Approval.)	
)	
In the Matter of the Application of Ohio)	Case No. 20-587-EL-AAM
Power Company for Approval to Change)	
Accounting Methods.)	
)	

**MOTION TO INTERVENE
BY
THE KROGER CO.**

The Kroger Co. (Kroger) hereby respectfully submits its motion to intervene in the above-captioned matter to the Public Utilities Commission of Ohio (Commission), with the full powers and rights granted to intervening parties, pursuant to R.C. 4903.221 and Ohio Adm. Code 4901-1-11. On April 9, 2020, Ohio Power Company (AEP Ohio) filed a notice of intent to increase its electric distribution rates.¹ As demonstrated in the attached Memorandum in Support, Kroger has a real and substantial interest in this proceeding which may be adversely affected by the outcome herein, and which cannot be adequately represented by any other existing parties. Accordingly, Kroger satisfies the standard for intervention set forth in Ohio statutes and regulations. Therefore, Kroger respectfully requests that the Commission grant its motion to intervene. A memorandum in support is attached hereto.

¹ *In the Matter of the Application of Ohio Power Company for an Increase in Electric Distribution Rates*, Case Nos. 20-585-EL-AIR, et al., Application at 1 (April 9, 2020).

Respectfully submitted,

/s/ Angela Paul Whitfield

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MEMORANDUM IN SUPPORT

On April 9, 2020, Ohio Power Company (AEP Ohio) filed a notice of intent to increase its electric distribution rates pursuant to R.C. 4909.18 and stated that it will file an Application to increase rates around May 29, 2020.² Furthermore, AEP Ohio proposed a date certain of December 31, 2019 and a test period of the twelve-month period beginning December 1, 2019,³ which the Commission later approved.⁴

R.C. 4903.221 and Ohio Adm. Code 4901-1-11 establish the standards for intervention in Commission proceedings. R.C. 4903.221 provides, in pertinent part, that any person “who may be adversely affected” by a Commission proceeding is entitled to seek intervention in that proceeding. R.C. 4903.221(B) further requires the Commission to consider 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, whether the intervention by the prospective intervenor will unduly prolong or delay the proceeding, and the prospective intervenor’s potential

² Id.

³ Id.

⁴ Entry at ¶ 13 (May 6, 2020).

contribution to a just and expeditious resolution of the issues involved. Ohio Adm. Code 4901-1-11 permits intervention to a party who demonstrates a real and substantial interest in the proceeding and who is so situated that the disposition of the proceeding may impair or impede its ability to protect that interest and whose interest is not adequately represented by an existing party.

Kroger is one of the largest grocers in the United States, with numerous facilities served by AEP Ohio. The facilities operated by Kroger use electricity for food storage, lighting, heating, cooling, and distribution, often 24 hours a day, 7 days a week. Kroger's electric distribution needs associated with its facilities in AEP Ohio's service territories are considerable, and its electric service and the costs associated with obtaining such service from AEP Ohio will be impacted by the outcome in this proceeding. Indeed, Kroger has been a participant in other cases before the Commission involving rates charged by AEP Ohio and costs recovered from customers.⁵

For the foregoing reasons, Kroger has a direct, real, and substantial interest in the issues raised in this proceeding and is so situated that the disposition of the proceeding may, as a practical matter, impair or impede its ability to protect that interest. Kroger's interests will not be adequately represented by other parties to the proceeding. Finally, Kroger's intervention is timely and will not unduly delay or prolong the proceeding. Accordingly, Kroger respectfully requests that its motion to intervene be granted and that Kroger be made a full party of record in this proceeding.

⁵ See *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 (April 25, 2018) and *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, et al.*, Case Nos. 14-1693-EL-RDR, et al. Opinion and Order (March 31, 2016). Also see *In the Matter of the Application of Columbus Southern Power Company and Ohio Power Company, Individually and, if Their Proposed Merger is Approved, as a Merged Company (collectively, AEP Ohio) for an Increase in Electric Distribution Rates, et al.*, Case Nos. 11-351-EL-AIR, et al., Entry (November 1, 2011).

Respectfully submitted,

/s/ Angela Paul Whitfield

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CERTIFICATE OF SERVICE

The Public Utilities Commission of Ohio's e-filing system will electronically serve notice of the filing of this document on the parties referenced on the service list of the docket card who have electronically subscribed to the case. In addition, the undersigned hereby certifies that a copy of the foregoing document also is being served via electronic mail on May 18, 2020 upon the parties listed below.

/s/ Angela Paul Whitfield
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Case No(s). 20-0585-EL-AIR, 20-0586-EL-ATA, 20-0587-EL-AAM

Summary: Motion To Intervene By The Kroger Co. electronically filed by Mrs. Angela Whitfield on behalf of The Kroger Co.