

**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)	
Power Company for Approval to Change)	Case No. 20.587-EL-AAM
Accounting Methods.)	

MOTION TO INTERVENE BY CLEAN FUELS OHIO

Pursuant to Ohio Revised Code 4903.221 and Ohio Administrative Code 4901-1-11, Clean Fuels Ohio (“CFO”) respectfully moves to intervene in the above-captioned proceedings. As explained more thoroughly in the attached Memorandum in Support, CFO has a real and substantial interest in this case, in which the Ohio Power Company (“AEP Ohio”) has filed an application for an increase in electric distribution rates that includes a proposed “Electric Transportation” program designed to maximize demand side management of electric vehicle charging and to support fleet opportunities and corridor charging growth.

CFO is a non-profit organization that seeks to provide a united voice for industry to promote the use of cleaner fuels and vehicle technologies, in order to help Ohio thrive economically while promoting public health. CFO’s work focuses on strategies and best practices for market growth and consumer adoption of a wide range of cleaner transportation fuels and vehicles, including electricity and electric vehicles. Our members include fleet owners, suppliers, transportation service providers, manufacturers, and others in the transportation sector that are located or do business in AEP Ohio’s service territory, and whose operations and

economic success would be impacted by the Electric Transportation program if implemented. CFO therefore seeks intervention in this proceeding in order to provide input into the design and execution of AEP Ohio's proposed Electric Transportation program, based on our organization's experience and expertise in this field.

The interests of CFO 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 that promote clean transportation in Ohio to the benefit of AEP Ohio customers. Finally, CFO's participation in this docket will not unduly delay the proceeding or prejudice any other party.

CFO therefore 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.

November 23, 2020

Respectfully submitted,

/s/ Madeline Fleisher
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**MEMORANDUM IN SUPPORT OF THE MOTION TO INTERVENE
BY CLEAN FUELS OHIO**

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 Public Utilities Commission of Ohio (“PUCO” or “Commission”) makes certain determinations. This statutory provision 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. This request for intervention by Clean Fuels Ohio (“CFO”) satisfies all of the factors set forth in 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 and second factors, CFO is an independent, non-profit organization that works to promote the use of cleaner fuels and vehicle technologies in order to help Ohio thrive economically while promoting public health. CFO's work focuses on strategies and best practices for market growth and consumer adoption of a wide range of cleaner transportation fuels and vehicles, including electricity and electric vehicles. Our members include fleet owners, suppliers, transportation service providers, manufacturers, and others in the transportation sector that are located or do business in AEP Ohio's service territory, many of whose operations and businesses will be impacted by any electric transportation program implemented by AEP Ohio. The program that AEP Ohio proposes in this case includes a number of elements designed to incentivize the development of an effective network of electric vehicle charging infrastructure across AEP Ohio's service territory, provide vital customer education about electric transportation, and facilitate managed charging to maximize customer and system benefits.¹

Accordingly, CFO's interest in promoting cleaner transportation, as supported by its members, may be adversely (or positively) impacted depending on whether the Commission approves AEP Ohio's proposed Electric Transportation program and in what form. CFO therefore has a real and substantial interest in providing input regarding AEP Ohio's proposed Electric Transportation program based on our organization's experience and expertise in this

¹ Direct Test. of Jon F. Williams (June 15, 2020), Exhibit JFW-1, at 12-23.

field, in service of CFO's mission to promote market growth and consumer adoption of clean transportation technologies including electric vehicles.

With respect to the third factor, CFO's participation in this docket will not unduly delay the proceeding or prejudice any other party. The Commission has set no deadline for intervention in this docket, and there is no procedural schedule currently in place.

Finally, CFO's participation in this proceeding will contribute to a just and expeditious resolution of the issues regarding AEP Ohio's proposed Electric Transportation program. CFO's Executive Director provided testimony on behalf of other parties regarding AEP Ohio's initial electric transportation pilot as part of its current Electric Security Plan, applying CFO's expertise and knowledge regarding best practices in transportation electrification.² CFO has been actively engaged in discussions regarding the implementation and results of that pilot along with other stakeholders, and is therefore well-positioned to provide the Commission with a unique and expert perspective on the next stage of AEP Ohio's efforts.

Similarly, CFO satisfies the criteria 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.

² Case Nos. 16-1582-EL-SSO *et al.*, Direct Testimony of Sam Spofforth (May 2, 2017).

The first four factors mirror those in R.C. 4903.221, and for the same reasons as stated above, CFO meets those factors. As to the fifth, although one other group focused on transportation electrification, ChargePoint, has intervened in this docket, CFO is uniquely positioned as a separate voice representing no single stakeholder within the transportation or utility industry. As a non-profit organization focused on pursuing smart policies to promote clean transportation in the long-term, and able to leverage the unique knowledge and expertise of all its members, CFO's interests cannot be represented by any single industry actor.

Finally, this Commission's policy is to "encourage the broadest possible participation in its proceedings." *Cleveland Elec. Illum. Co.*, Case No. 85-675-EL-AIR, Entry at 2 (January 14, 1986). CFO's inclusion in this proceeding will contribute to this goal of broad participation in PUCO proceedings.

Because CFO meets the criteria set forth in both R.C. 4903.221 and Ohio Adm. Code 4901-11-1, it respectfully asks this Commission to grant its motion to intervene in the above-captioned proceeding.

November 23, 2020

Respectfully submitted,

/s/ Madeline Fleisher
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CERTIFICATE OF SERVICE

The e-filing system of the Public Utilities Commission of Ohio will electronically serve notice of the filing of this document on the parties referenced in the service list of the docket card who have electronically subscribed to this case. In addition, the undersigned certifies that a copy of the foregoing document is also being served upon the persons listed below via electronic mail on November 23, 2020.

/s/ Madeline Fleisher
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Case No(s). 20-0585-EL-AIR, 20-0586-EL-ATA, 20-0587-EL-AAM

Summary: Motion to Intervene by Clean Fuels Ohio electronically filed by Ms. Madeline Fleisher on behalf of Clean Fuels Ohio