

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Ohio)	
Power Company for an Increase in)	Case No. 20-585-EL-AIR
Electric 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 OF
ARMADA POWER, LLC**

Pursuant to Ohio Revised Code Section 4903.221 and Ohio Administrative Code Rule 4901-1-11, Armada Power, LLC (“Armada Power”) moves to intervene in the above-styled proceedings as a full party of record. The reasons supporting the intervention are contained in the accompanying Memorandum in Support. Armada Power respectfully requests that the Commission grant this motion to intervene and that Armada Power be made a full party of record.

Respectfully Submitted,

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**MEMORANDUM IN SUPPORT OF
THE MOTION TO INTERVENE**

Ohio Revised Code Section (“R.C.”) 4903.221 and Ohio Administrative Code Rule (“Rule”) 4901-1-11 establish the standard for intervention in the above-styled proceedings as a full party of record. Rule 4901-1-11 states in part:

(A) 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.

In addition to establishment of a direct interest, the factors that the Public Utilities Commission of Ohio (the “Commission”) considers in implementing the above rule are the nature of the intervenor’s interest, the extent that interest is represented by existing parties, the intervenor’s potential contribution to a just and expeditious resolution of the issues involved, and whether intervention would result in an undue delay of the proceeding. *See also* R.C. 4903.221(B) upon which the above rule is authorized. A review of these factors in light of the following facts supports granting intervention to Armada Power, LLC (“Armada Power”).

In these proceedings, Ohio Power Company (“AEP”) seeks approval to increase its electric distribution rates. AEP also proposes to change terms and conditions in its tariffs and, in particular, it proposes a demand side management (“DSM”) plan containing a suite of programs alleged to “cost effectively help customers overall with opportunities to optimize their peak demand with their overall energy use.”¹ AEP also proposes to recover, through base rates, millions in costs of the proposed DSM plan and an “earned annual program administration fee” of 10 percent of the plan’s spend if it

¹ *See* Prefiled Direct Testimony of Jon F. Williams at 4 (filed June 15, 2020).

is cost effective and states that demand response is a key feature of its DSM Plan.² Staff opined on the proposal, recommending denial of AEP's request to include the DSM plan costs in bases rates and exclusion of such expenses from the test year expenses, and rejection of the proposed administrative fee.³ Staff specifically stated that the retail market should be offering energy efficiency/DSM programs and that AEP has not demonstrated that the retail market is unable to offer the types of products and services included in AEP's application.⁴

Armada Power is a participant in demand response and energy efficiency markets. It manufactures and incorporates smart technologies into a secure platform to optimize pricing, usage, and power monitoring, and provide grid services to customers. Armada Power has been operating within PJM Interconnection LLC's footprint for multiple years. Armada Power also has been participating in regulatory proceedings in jurisdictions to protect and enhance its technology and the electric grid.

Armada Power satisfies the intervention requirements above. First, Armada Power has a direct, real and substantial interest in AEP's requested DSM plan for different programs for customers in its service territory. Armada Power has the ability to enhance and stabilize the electric usage and the distribution grid to the benefit of the AEP ratepayers and the environment. Second, Armada Power's technology within the marketplace falls within the considerations detailed in the DSM plan. The resolution of issues raised within these proceedings will affect, significantly and directly, the economic interests and development of Armada Power's business. Third, Armada Power will not unduly prolong or delay the proceedings. Armada Power's intervention is timely (in advance of the deadline) and Armada Power plans to be fully engaged and follow the procedural schedule. Fourth, Armada Power will significantly contribute to the full development and equitable resolution of the

² *Id.* at 6.

³ *See* Amended Staff Report at 20-21 (filed November 25, 2020).

⁴ *Id.* at 21.

factual issues before the Commission. As mentioned, Armada Power has transformative technology that will optimize individual devices into larger aggregated, controlled, and cohesive grid tool that will benefit the electric grid. Lastly, no other party to this proceeding is positioned to protect Armada Power's interest or advance its position related to AEP's application and the DSM plan. Armada Power's technology and business model is unique to the marketplace and will only be adequately protected and represented if it is granted intervention.

For all of these reasons, Armada Power satisfies the requirements for intervention in these proceedings. Armada Power respectfully requests that the Commission grant this motion to intervene and that Armada Power be made a full party of record.

Respectfully Submitted,

/s/ Gretchen L. Petrucci

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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 certifies that a courtesy copy of the foregoing document is also being served (via electronic mail) on the 11th day of December 2020 upon all persons/entities listed below:

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Summary: Motion Motion to Intervene electronically filed by Mrs. Gretchen L. Petrucci on behalf of Armada Power, LLC