

**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 THE CITIZENS' UTILITY BOARD OF OHIO

Pursuant to Ohio Revised Code 4903.221 and Ohio Administrative Code 4901-1-11, the Citizens' Utility Board of Ohio ("CUB Ohio") respectfully moves to intervene in the above-captioned proceeding. As explained more thoroughly in the attached Memorandum in Support, CUB Ohio 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, including cost recovery for a proposed Demand Side Management ("DSM") Plan that includes demand management and transportation electrification programs.

As an independent, non-profit consumer watchdog that advocates for residential and small business utility customers in Ohio, CUB Ohio has members in AEP Ohio's service territory that will be subject to rates set in this proceeding, and who may benefit from aspects of AEP Ohio's proposed DSM Plan. CUB Ohio therefore seeks intervention in this proceeding in order to ensure AEP Ohio's distribution rates applicable to its members are just and reasonable, and to provide input as to the design of demand management and transportation electrification programs to ensure they benefit CUB Ohio customers. The interests of CUB Ohio 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 protects the interests of Ohio residential and small business customers. Finally, CUB Ohio's participation in this docket will not unduly delay the proceeding or prejudice any other party.

CUB Ohio 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.

December 18, 2020

Respectfully submitted,

/s/ Madeline Fleisher
Madeline Fleisher (0091862)
(Counsel of Record)
Dickinson Wright PLLC
150 East Gay Street, Suite 2400
Columbus, Ohio 43215
(614) 591-5474
mfleisher@dickinsonwright.com

Counsel for Citizens' Utility Board of Ohio

**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.)	

**MEMORANDUM IN SUPPORT OF THE MOTION TO INTERVENE
BY THE CITIZENS' UTILITY BOARD OF 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 the Citizens’ Utility Board of Ohio (“CUB Ohio”) 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, CUB Ohio is an independent, non-profit consumer watchdog that advocates for residential and small business utility customers in Ohio. CUB Ohio pursues affordable and reliable utility service that leverages advanced energy technology to benefit ratepayers. CUB Ohio has members in the service territory of Ohio Power Company (“AEP Ohio”) who will be subject to rates approved in this proceeding, and potentially benefit from demand management or transportation electrification programs established in this proceeding. CUB Ohio therefore has a real and substantial interest in intervening in this proceeding to ensure just and reasonable rates for its members and the development of well-designed utility demand management and transportation electrification programs.

With respect to the third factor, CUB Ohio’s participation in this docket will not unduly delay the proceeding or prejudice any other party. CUB Ohio is filing this motion to intervene consistent with the applicable deadline set by the Commission, and intends to comply with the procedural schedule for this proceeding going forward.

Finally, CUB Ohio’s participation in this proceeding will contribute to a just and expeditious resolution of the issues that protects the interests of Ohio residential and small business customers. CUB Ohio offers a unique view as a non-profit consumer organization that advocates for affordable and reliable utility service for its residential and small business members, including through the application of advanced energy technology to benefit ratepayers.

Similarly, CUB Ohio 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.

The first four factors mirror those in R.C. 4903.221, and for the same reasons as stated above, CUB Ohio meets those factors. As to the fifth, although other ratepayer groups have intervened in this docket, CUB Ohio advocates for Ohio's transition to an energy sector that utilizes advanced technology, including clean energy and energy efficiency, to provide benefits to residential and small business utility customers. CUB Ohio maintains that no other party can adequately represent its interests as an independent non-profit advocating on behalf of residential and small business ratepayers for a shift away toward prudent ratepayer investment in beneficial energy technologies and demand-side resources which will reduce grid and consumer costs.

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). CUB Ohio's inclusion in this proceeding will contribute to this goal of broad participation in PUCO proceedings.

Because CUB Ohio 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.

December 18, 2020

Respectfully submitted,

/s/ Madeline Fleisher

Madeline Fleisher (0091862)

(Counsel of Record)

Dickinson Wright PLLC

150 East Gay Street, Suite 2400

Columbus, Ohio 43215

(614) 591-5474

mfleisher@dickinsonwright.com

Counsel for Citizens' Utility Board of Ohio

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 December 18, 2020.

/s/ Madeline Fleisher
Madeline Fleisher

stnourse@aep.com
cblend@aep.com
werner.margard@ohioattorneygeneral.gov
kyle.kern@ohioattorneygeneral.gov
dborchers@bricker.com
jspottswood@bricker.com
whitt@whitt-sturtevant.com
fykes@whitt-sturtevant.com
ccox@elpc.org
rkelter@elpc.org
mpritchard@mcneeslaw.com
rglover@mcneeslaw.com
bethany.allen@igs.com
joe.oliker@igs.com
michael.nugent@igs.com
rdove@keglerbrown.com
angela.obrien@occ.ohio.gov
christopher.healey@occ.ohio.gov
mkurtz@bkllawfirm.com
kboehm@bkllawfirm.com
jkylercohn@bkllawfirm.com
dparram@bricker.com
rmains@bricker.com
bojko@carpenterlipps.com
paul@carpenterlipps.com
cgrundmann@spilmanlaw.com

dwilliamson@spilmanlaw.com
mjsettineri@vorys.com
glpetrucci@vorys.com
dromig@armadapower.com
little@litohio.com
hogan@litohio.com
dstinson@bricker.com
mwarnock@bricker.com
ktreadway@oneenergylc.com
mleppla@theOEC.org
tdougherty@theOEC.org
ctavenor@theOEC.org

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

12/18/2020 3:26:28 PM

in

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

Summary: Motion Motion to Intervene and Memorandum in Support by the Citizens' Utility Board of Ohio electronically filed by Ms. Madeline Fleisher on behalf of Citizens' Utility Board of Ohio