

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of The Application of) Case No. 21-110-EL-REN
Wessington Wind Farm for Certification as an)
Eligible Ohio Renewable Energy Resource)
Generating Facility.)

**MOTION FOR LEAVE TO INTERVENE OUT OF TIME
AND
MOTION FOR LEAVE TO FILE MEMORANDUM CONTRA, INSTANTER,
CARBON SOLUTIONS GROUP, LLC'S
MOTION FOR LEAVE TO INTERVENE OUT OF TIME, MOTION TO
CONSOLIDATE, AND MOTION TO ESTABLISH A NEW PROCEDURAL SCHEDULE
BY
BLUE DELTA ENERGY, LLC**

Pursuant to R.C. 4903.221, and Ohio Adm.Code 4901-1-12, 4901-1-13(A), and 4901:1-40-04(D)(1) and for good cause shown, Blue Delta Energy, LLC (Blue Delta) respectfully requests leave to intervene and leave to file memorandum contra Carbon Solutions Group, LLC's (CSG) Motion for Leave to Intervene Out of Time, Motion to Consolidate, and Motion to Establish a New Procedural Schedule (Motion) filed on April 7, 2020 in the above-captioned case.

After the deadline to file motions to intervene, comments, and objections as prescribed by Ohio Adm.Code 4901:1-40-04(D)(1), CSG sought to intervene out of time and consolidate several unrelated cases to challenge the Public Utilities Commission of Ohio's (Commission) long-standing precedent in evaluating applications for certification of a facility as an eligible Ohio renewable energy resource generating facility (REN) as defined in R.C. 4928.01. CSG's challenge to this long-standing precedent, while not appropriate for this proceeding, raises policy questions and could have major implications for any party that applies for future renewable energy resource

certifications (REN certifications), including Blue Delta and its clients. As such, to the extent that the Commission grants CSG's untimely Motion to Intervene (which it should not), Blue Delta respectfully requests that the Commission grant leave to Blue Delta to also allow Blue Delta to intervene out of time for good cause shown, so that Blue Delta may adequately represent its interests, and the interests of its clients, against CSG's untimely and inappropriate challenges. Extraordinary circumstances exist pursuant to Ohio Adm.Code 4901-1-11(F) to grant such motion in light of the late filing of CSG's motion raising broad policy considerations and challenging the Commission's precedent.

As detailed in the attached Memorandum in Support, Blue Delta has a real and substantial interest in this proceeding that may be adversely affected by the outcome herein, and which cannot be adequately represented by any other party. Accordingly, Blue Delta satisfies the standard for intervention set forth in Ohio statutes and regulations and extraordinary circumstances exist to grant such intervention out of time.

Furthermore, to the extent the Commission does not outright reject CSG's untimely Motion and objections for being filed out of time, Blue Delta respectfully requests that the Commission grant leave to Blue Delta to intervene and file a memorandum contra CSG's Motion for good cause shown pursuant to Ohio Adm.Code 4901-1-13(A).

For the reasons set forth in the attached Memorandum in Support, good cause exists and extraordinary circumstances warrant the granting of leave for Blue Delta to intervene out of time pursuant to R.C. 4903.221 and Ohio Adm.Code 4901:1-40-04(D)(1) and 4901-1-11(F), and make Blue Delta a full party of record in these proceedings. Good cause also exists to grant leave to file a memorandum contra CSG's Motion out of time pursuant to Ohio Adm.Code 4901-1-13(A).

Respectfully submitted,

/s/ Kimberly W. Bojko

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**MEMORANDUM IN SUPPORT
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I. INTRODUCTION

On January 29, 2021, in the above-captioned case, Wessington Springs Wind Energy Center (Wessington) filed an application pursuant to Ohio Adm.Code 4901:1-40-04(D) for the certification of a facility as an eligible Ohio renewable energy resource generating facility, as defined in R.C. 4928.01. On February 4, 2021, the Commission issued an Entry, which found good cause to suspend the automatic thirty-day approval process in order for the Commission and Staff to review further the application pursuant to Ohio Adm.Code 4901:1-40-04(D).

Two months after the Entry suspending the application, on April 7, 2021, CSG filed its untimely Motion and objections to the application. CSG sought to intervene in the above-captioned case, as well as four other cases involving separate REN applications from facilities in different states.¹ Additionally, CSG sought to consolidate the cases into one docket, and to set a

¹ Case Nos. 21-0162-EL-REN, 21-0163-EL-REN, 21-0096-EL-REN, and 20-1790-EL-REN.

new procedural schedule for the purpose of challenging the legal basis for granting certification to all of the applicants at a single hearing. In its untimely Motion, CSG asserted a general interest in the proceedings, stating that its “interest is in preserving the value of [renewable energy credits] to renewable generators located in Ohio and PJM.”² To this end, CSG challenges the Commission’s long-standing precedent used to determine “deliverability” pursuant to R.C. 4928.64.³

While these unrelated cases are not the proper forum for bringing such a broad challenge to long-standing Commission precedent, any potential changes to this precedent will have wide reaching implications for other REN certification applicants. As such, while the Commission should not grant CSG’s untimely intervention in this case, to the extent it does, the Commission should allow other parties to represent their own interests in this case.

II. INTERVENTION

A. The Commission should grant Blue Delta’s Motion for Leave to Intervene Out of Time.

Blue Delta has a real and substantial interest in the outcome of this proceeding and that interest cannot be adequately represented by any existing parties. R.C. 4903.221 and Ohio Adm. Code 4901-1-11 and 4901:1-40-04(D) allow interested parties to intervene in REN certification 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

² Motion at 6.

³ *Id.* at 5-6.

prolong or delay the proceeding, and the prospective intervenor's potential contribution to a just and expeditious resolution of the issues involved. Ohio Adm. Code 4901-1-11 permits intervention to an affected 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. Ohio Adm.Code 4901-1-11(F) allows parties to intervene out of time in extraordinary circumstances. Additionally, Ohio Adm. Code 4901:1-40-04(D) allows any interested person to intervene and file comments and objections to any application for certification seeking facility qualification.

To the degree that the Commission allows CSG to intervene in this proceeding, Blue Delta has a direct, real, and substantial interest in the outcome of this case and the challenges to the Commission precedent raised by CSG. Blue Delta also has a substantial interest in the broad policy positions referenced in CSG's Motion. Blue Delta provides a wide range of sustainability and clean energy solutions via market access and regulatory services to electric utilities, as well as cooperative and municipal utilities, and commercial, industrial, healthcare, educational and financial institutions. Among other services, this includes assisting and in some case representing clients, including out-of-state clients, in obtaining REN certifications in Ohio. In the majority of applications with which Blue Delta has been involved, Blue Delta has obtained the necessary transmission studies for their clients establishing deliverability under PUCO's existing precedent. Multiple Blue Delta clients have secured or plan to secure REN certification under the existing deliverability standards and Staff's methodology for determining deliverability. In reliance on these facility certifications and the expectation of PUCO's consistent application of the deliverability standards and Staff's methodology for determining such when reviewing future facility applications, many of Blue Delta's clients have entered into long-term contracts for

renewable energy credits with electric service companies for their compliance with Ohio's renewable portfolio standard obligations. By seeking to create an entirely new standard for deliverability, CSG would potentially threaten the ability of Blue Delta's clients to perform under these contracts, leading to the possibility of Blue Delta's clients suffering substantial financial harm. In fact, CSG appears to be seeking to limit or eliminate the availability of REN certificates to out-of-state facilities in order to increase the demand for their renewable energy credits from in-state resources and other resources within PJM primarily to inflict such harm, thereby furthering its business model and garner a competitive advantage.⁴ CSG's interest in this case is to create new market barriers to limit supply that will directly harm Blue Delta's clients and Blue Delta. Thus, to the extent that CSG has a valid interest in this case, is allowed to intervene, and is afforded the opportunity to challenge the deliverability standards and Staff's methodology for determining deliverability, Blue Delta also has an interest in this case to protect the deliverability standards and support Staff's long-standing methodology for determining deliverability.

No other parties to the proceeding can adequately represent Blue Delta's interests in this matter. As explained previously, Blue Delta's interests are adverse to CSG's interests and Wessington's interest is only with regard to the existing facility seeking the instant certification. Blue Delta's interest, on the other hand, lies in facilities with both existing and future REN certifications. Blue Delta is also concerned with the broad policy issues raised by CSG and some of the comments and misinformation that CSG has set forth in its Motion.

Accordingly, to the extent the Commission allows CSG to challenge the Commission's precedent and deliverability test, Blue Delta will contribute to the full development and equitable resolution of the issues in this proceeding by representing diverse interests and opinions. Further,

⁴ See Motion at 3-6.

while CSG will delay and prolong this routine proceeding by challenging long-standing Commission precedent, Blue Delta also participating to offer divergent views will not further delay or prolong the proceeding.

To the extent that CSG sought to intervene out of time and is afforded the opportunity to participate in this proceeding, extraordinary circumstances exist to allow Blue Delta's own intervention pursuant to Ohio Adm.Code 4901-1-11(F). There is nothing inherently extraordinary about a typical REN application. However, allowing a party to intervene out of time and object to an application for the sole purpose of overturning long-standing Commission precedent without allowing other parties to intervene and defend that precedent or offer alternative views and methodologies would be extraordinary, unfair, and prejudicial to any party with a divergent interest to CSG's.

While this is not the proper venue for CSG to pursue the competitive advantage it seeks, to the extent that the Commission considers CSG's untimely and unsupported Motion, extraordinary circumstances exist to afford other parties the same opportunity to participate in the proceeding. The potential of making broad changes to Commission policy warrants intervention and participation of parties with diverse interests in this case. Thus, to the extent the Commission allows CSG to intervene and participate in this case, Blue Delta respectfully asks the Commission to find that extraordinary circumstances exist and also grant Blue Delta leave to intervene out of time in order for Blue Delta to protect its unique interests.

Furthermore, pursuant to Ohio Adm.Code 4901-1-12(B), a party to a proceeding may file a memorandum contra a motion. And, pursuant to Ohio Adm.Code 4901-1-12(E), a party includes all persons who have filed motions to intervene which are pending at the time a memorandum is to be filed or served. Therefore, Blue Delta first needs to move to intervene prior to filing a

memorandum contra CSG's Motion. As explained further below, Ohio Adm.Code 4901-1-13(A) allows parties to file pleadings out of time "for good cause shown."

For these reasons, Blue Delta has a direct, real, and substantial interest in the issues that have been raised in this proceeding and is so situated that the disposition of this proceeding may, as a practical matter, impair or impede its ability to protect that interest. Blue Delta's counsel is regularly and actively involved in Commission proceedings and counsel's unique knowledge and perspective will contribute to the full development and equitable resolution of the factual issues in this proceeding. Blue Delta's interest will not be adequately represented by other parties and its intervention will not unduly delay or prolong these proceedings.

III. MEMORANDUM CONTRA CSG'S MOTION

For the same reasons that extraordinary circumstances exist to warrant Blue Delta's Motion for Leave to Intervene Out of Time, good cause exists to allow Blue Delta to file a Memorandum Contra CSG's Motion, instant, pursuant to Ohio Adm.Code 4901-1-12(B) and 4901-1-13(A).

A. The Commission should deny CSG's Motion for Leave to Intervene.

The Commission should reject CSG's Motion to Intervene, comments, and objections because the motion, comments, and objections were untimely filed in violation of Ohio Adm.Code 4901:1-40-01(D)(1). CSG failed to comply with the Commission's rules and time limitations set forth in those rules for intervention in REN certification applications, and failed to demonstrate good cause sufficient for the Commission to waive its timing requirements. CSG filed its Motion on April 7, nearly seven weeks outside of the prescribed twenty-day deadline for intervening and filing comments and objections to an application seeking facility qualification and certification as a qualified generating resource. CSG's arguments that good cause exists for the Commission to

waive this requirement pursuant to Ohio Adm.Code 4901:1-40-02(B) fail.⁵ CSG’s claim that REN certification applications often “fly under the radar” because they are not docketed or assigned a case number unless Staff determines the application should be suspended⁶ is simply untrue. Every certification application is assigned a case number by the Commission’s docketing division upon filing either directly with docketing by the applicant or upon filing by the Staff of the Commission if received through the web portal. The time period proscribed in Ohio Adm.Code 4901:1-40-04(D) begins from the date of the filing of the application, not the date of the application. After the application is filed, parties have twenty days to move to intervene and file comments and objections to the application.

Wessington submitted its application electronically on January 29, 2021 and Staff of the Commission filed Wessington’s application in the docket on February 3, 2021. The time period proscribed in Ohio Adm.Code 4901:1-40-04(D) began to run from the date of the filing of the application so February 3, 2021. The filing of the application would have appeared on the Commission’s daily docketing report the next day. Thus, even assuming the Wessington application was under CSG’s radar when it was submitted on January 29, 2021, CSG would have, or should have, had notice of the filing when it was docketed by the Commission. Additionally, CSG would have then had 20 days from the date of filing to move to intervene, file comments, and objection to the application. But CSG took *nine weeks*—more than three times the prescribed time limit—before filing its Motion and objections to the application.

CSG also argues that because CSG had to retain counsel to review the applications, good cause exists for waiving the twenty-day intervention and comment deadline. Although it seems

⁵ Motion at 2.

⁶ See Motion at 2.

highly unlikely that it would take CSG eight or nine weeks to find legal counsel in the Ohio utility bar and review the three-page application, the Commission has specifically rejected this argument in the past. In a previous REN certification case, two parties filed untimely motions to intervene, arguing respectively “extra time was needed to formulate calculations that would allow for meaningful comment,” and “that the application contained new information not contained in previous...applications.”⁷ The Commission found that the parties had not demonstrated the existence of extraordinary circumstances, and that to the degree that the parties may have needed additional time to evaluate the application, “the proper action to take under those circumstances is to timely request for an extension of the intervention deadline.”⁸ CSG plainly failed to comply with this precedent. CSG could have also intervened within the twenty-day period and then requested additional time to review and provide substantive comments on the Application, but it did not.

The Commission should also reject CSG’s Motion to Intervene because it fails to satisfy the intervention standard under R.C. 4903.221 and Ohio Adm.Code 4901-1-11. CSG does not have a real and substantial interest in the above-captioned case—or in any of the five cases it seeks to consolidate for that matter. CSG has not identified any facts that support a specific substantial interest in any of the five cases and fails to demonstrate how granting certification to an individual facility would impair or impede CSG’s ability to protect its substantial interest. Instead, CSG simply seeks to challenge the Commission’s general deliverability test and methodology for determining deliverability for all out-of-state facilities seeking to be certified by the Commission

⁷ See *In the Matter of the Muskingum River Plant for Certification as an Eligible Ohio Renewable Energy Resource Generating Facility*, Pub. Util. Comm. Case No. 10-911, Entry at 1 (Aug. 26, 2010). This case applied the prior version of Ohio Adm.Code 4901:1-40-04, effective until March 25, 2020, which used different numbering but still imposed the same twenty-day time period on motions to intervene.

⁸ *Id.* at 2.

as a qualifying generation resource. CSG is not challenging the specific deliverability findings of the Staff with regard to the Wessington facility; instead CSG is challenging the overall methodology used to determine deliverability and the standards that have been used by the Commission for the past decade. CSG is questioning whether any facility outside of PJM, even those in adjacent states, can satisfy the Commission's deliverability requirements. CSG's arguments are one of policy and a legal interpretation of Ohio law. The more appropriate forum for this debate would be a Commission rulemaking, investigation proceeding, or some other venue.

Contrary to what CSG would lead this Commission to believe, this policy debate about deliverability has occurred previously in a variety of forums and CSG's policy arguments directly conflict with the results of that debate and long-standing Commission precedent. Additionally, CSG's arguments rely on factual misrepresentations. To determine if a resource is deliverable into the state, pursuant to R.C. 4928.64(B)(3) and Adm.Code 4901:1-40-04, Commission Staff uses a deliverability test, first established in *In the Matter of Koda Energy LLC*, Pub. Util. Comm. Case No. 09-0555-EL-REN, Finding and Order (Mar. 23, 2011).⁹ This test requires a power flow study that shows "the absolute value of a facility's impact on a transmission line in Ohio must be greater than 5 percent and greater than 1 megawatt (MW)." *See* Pub. Util. Comm. Case No. 21-0110-EL-REN, Staff Report (Mar. 1, 2021).

CSG uses a variety of misrepresentations to assert that this test is inherently flawed. CSG incorrectly argues that the deliverability test used by Staff allows any applicant in any state to "produce a study showing that renewable energy generated just about *anywhere* is 'deliverable into this state.'"¹⁰ According to CSG, this focus on hypothetical, rather than actual delivery means

⁹ CSG's Motion at 5 incorrectly cites to Case No. 05-0555-EL-REN for the *Koda Energy* Case.

¹⁰ Motion at 5.

that the test holds no merit today.¹¹ CSG's statements simply ignore the fact that the applicants do not produce the applicable power flow studies, and therefore have no opportunity to influence the inputs to the power flow study conducted for the particular facility. Instead, individual facilities seeking certification rely upon Distributed Factor Studies prepared by PJM's Transmission Planning Group, using the Regional Transmission Expansion Plan Baseline. Unless CSG is questioning the PJM Transmission Planning Group and implying that PJM somehow conspires with applicants in "massaging the inputs,"¹² this accusation lacks any merit and is simply false.

Furthermore, as the Commission noted when it initially adopted the test, "it is impossible to physically track energy from a specific generating facility to a specific load location."¹³ Thus, CSG's criticism of hypothetical physical delivery is misplaced, as actual physical delivery cannot be tracked. At any rate, arguments about the physical deliverability directly conflict with CSG's self-serving focus on assets within PJM.¹⁴ A facility located in northern New Jersey or North Carolina does not physically deliver more electricity to Ohio than a facility located in Kentucky or Michigan simply by virtue of being part of PJM. MISO borders Ohio on two sides. Four Ohio utilities¹⁵ were previously members of MISO. The physical makeup of the transmission grid did not change with their migration from MISO to PJM, and more than likely neither did the regional flows of power into and within the state. Physical proximity and interconnectedness do in fact

¹¹ *Id.*

¹² *See* Motion at 5.

¹³ *In the Matter of Koda Energy LLC*, Pub. Util. Comm. Case No. 09-0555-EL-REN, Finding and Order at 3 (Mar. 23, 2011).

¹⁴ *See* Motion at 5 ("None of the facilities described in the REN Applications are located within PJM. And none disclose any information about deliverability of the output of these facilities into Ohio. Regardless of whether electricity from these facilities is "deliverable" into PJM through physical interconnections with Southwest Power Pool (SPP) or Midwest Interconnection (MISO), there is no indication that these facilities have or intend to actually deliver electricity into Ohio.").

¹⁵ The four utilities consisted of the three FirstEnergy operating companies and Duke.

influence physical deliverability of power far more than the ever-changing borders of a regional transmission organization or an electric distribution utility. And the power flow studies are designed to provide information about deliverability of these facilities into the transmission grid in Ohio. CSG's focus on PJM, however, would provide a competitive advantage to its own clients within PJM, regardless whether those facilities actually deliver energy to Ohio—an issue that CSG feigns concern over.

Finally, CSG's assertion that the test allows any applicant to pass is simply untrue. Facilities can, and regularly do, fail the test for failure to demonstrate physical deliverability, even when all other requirements for certification are satisfied.¹⁶ The Commission has also rejected applications and declined to grant certifications to facilities physically connected at the distribution, rather than transmission level.¹⁷ The Commission has applied this test many times, and has both accepted and rejected applications based on the outcomes of the test. CSG also makes arguments as to the “contract” deliverability of a facility's energy to Ohio.¹⁸ However, as CSG notes in its Motion, the contract element is not currently part of the Staff's consideration.

CSG is essentially arguing for the Commission to adopt an entirely new test in order to provide an unfair competitive advantage to CSG and its clients. This is purely a policy challenge, as noted by Commission Staff.¹⁹ This is not the proper forum for CSG to do so, given its lack of specific interest in any of the five facilities at issue in these cases. Accordingly, CSG's untimely

¹⁶ See, e.g., *In re Hecate Energy Cherrydale LLC*, Pub. Util. Comm. Case No. 17-2074-EL-REN, Finding and Order (Mar. 14, 2018); *In re Hectate Energy Clark County LLC*, Pub. Util. Comm. Case No. 17-1996-EL-REN, Finding and Order (Mar. 14, 2018); *In re Anthony Harrington*, Pub. Util. Comm. Case No. 17-2039-EL-REN, Finding and Order (Mar. 14, 2018).

¹⁷ See *In re Invenergy Illinois Solar I, LLC*, Pub. Util. Case No. 19-0067-EL-REN, Finding and Order (Jan. 13, 2021).

¹⁸ Motion at 5-6.

¹⁹ See Staff Memorandum Contra at 3-4 (May 5, 2021).

Motion to Intervene should be denied and its inaccurate comments and objections should be rejected.

B. The Commission should deny CSG's Motion to Consolidate.

Furthermore, to the extent that the Commission does grant CSG's Motion to Intervene (which it should not), the Commission should deny CSG's Motion to Consolidate. While the Commission has not established strict guidelines for consolidation, the Commission has considered a variety of factors in past cases. The Commission has avoided consolidating cases where doing so would "adversely affect a substantial right of any party,"²⁰ or when "the issues in the two cases can be addressed separately."²¹ The Commission has been more open to consolidating cases when the "dockets involve the same matter,"²² or where "consolidation will enhance the efficiency of the proceedings."²³ These factors do not favor CSG's request for consolidation.

As stated above, CSG does not have a real and substantial interest in any of the five facilities. CSG's interest is one of general policy. Additionally, each of the cases that CSG seeks to consolidate involves a separate facility with "distinct and individual technical characteristics" and is at a different procedural stage.²⁴ Consolidating cases involving five distinct facilities across different states would create a delayed and convoluted proceeding, which would only serve to

²⁰ *In the Matter of the Application of American Transmission Systems, Incorporated for a Certificate of Environmental Compatibility and Public Need for the Construction of the Black River Substation*, Pub. Util. Comm. Case No. 11-5856-EL-BTX, Entry at ¶ 4 (Jan. 5, 2012).

²¹ *In the Matter of the Complaint of Teleflex Aerospace*, Pub. Util. Comm. Case No. 05-782-EL-CSS, Entry at ¶ 7 (Oct. 14, 2005).

²² *In the Matter of Cardinal Asphalt Company, Notice of Apparent Violation and Intent to Assess Forfeiture*, Pub. Util. Comm. Case Nos. 19-2240-TR-CVF, Finding and Order at ¶ 9 (Dec. 2, 2020).

²³ *In the Matter of the Inquiry into the 1989 Long-Term Forecast Report of the Ohio Gas Company*, Pub. Util. Comm. Case No. 89-0874-GA-GCR, et al., Opinion and Order (June 26, 1989).

²⁴ Staff Memorandum Contra at 2.

convenience CSG, at the expense of the efficiency of the proceeding, Commission, Staff, and every other party to the proceeding.

IV. CONCLUSION

The Commission should reject CSG's Motion in its entirety. CSG has not demonstrated any real and substantial interest in any of the five cases that would be adversely affected by the Commission's disposition of the case. Yet, CSG seeks to delay the proceedings by intervening out of time, consolidate the cases, and asking that a new procedural schedule be established, to pursue a broad and wide reaching policy change. To the extent that the Commission entertains this effort, it should allow other parties the same opportunity to protect their own interests that diverge from CSG's interests.

Accordingly, Blue Delta respectfully moves this Commission for leave to intervene out of time for good cause shown and requests that the Commission find that extraordinary circumstances exist to grant such intervention out of time. Because Blue Delta satisfies the criteria set forth in R.C. 4903.221 and Ohio Adm. Code 4901-1-11, Ohio law authorizes Blue Delta to intervene in this proceeding with the full powers and rights granted by the Commission to intervening parties. Blue Delta respectfully requests that the Commission grant this motion to intervene and make Blue Delta a full party of record. Blue Delta also requests that the Commission grant its request to file its memorandum contra CSG's Motion, *instanter*.

Respectfully submitted,

/s/ Kimberly W. Bojko

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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 13, 2021 upon the parties listed below.

/s/ Kimberly W. Bojko
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Case No(s). 21-0110-EL-REN

Summary: Motion for Leave to Intervene Out of Time and Motion to Leave to File Memorandum Contra, Instanter, Carbon Solutions Group, LLC's Motion for leave to Intervene Out of Time, Motion to Consolidate, and Motion to Establish a New Procedural Schedule by Blue Delta Energy, LLC electronically filed by Mrs. Kimberly W. Bojko on behalf of Blue Delta Energy, LLC