

**In the Matter of the Application of Ohio)
Power Company to Adjust The Economic) Case No. 21-831-EL-RDR
Development Cost Recovery Rider Rate)**

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

On July 29, 2021, Ohio Power Company (“Ohio Power”) filed an application in this proceeding to update its Economic Development Cost Recovery (“EDR”) rider rate and recover economic development amounts through the rider previously authorized by the Public Utilities Commission of Ohio (“Commission”). In its application, Ohio Power referenced its unique arrangement with TimkenSteel Corporation (“TimkenSteel”) approved by the Commission in Case No. 15-1857-EL-AEC,¹ and included information specific to TimkenSteel to support Ohio Power’s calculations for updating the EDR rider rate.

R.C. 4903.221 and Ohio Adm.Code 4901-1-11 set forth the standard for intervention in cases before the Commission. Ohio Adm.Code 4901-1-11(B) states:

- (B) In deciding whether to permit intervention under paragraph (A)(2) of this rule, the commission, the legal director, the deputy legal director, or an attorney examiner shall 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.
 - (4) Whether the prospective intervenor will significantly contribute to full development and equitable resolution of the factual issues.
 - (5) The extent to which the person's interest is represented by existing parties.

¹ *In the Matter of the Application of TimkenSteel Corporation for Approval of a Unique Arrangement for the TimkenSteel Corporation’s Stark County Facilities*, Case No. 15-1857-EL-AEC, Opinion & Order (Dec. 16, 2015).

TimkenSteel is a mercantile customer and has an interest in this case – including an interest in protecting information contained in the following schedules attached to the application:

- Schedule No. 2 contains the actual and estimated delta revenue amounts (by month) for TimkenSteel and monthly carrying charges; and,
- Schedule No. 3 contains the actual monthly electric bill information, monthly discounts and monthly delta revenues of TimkenSteel.

This confidential information is extremely sensitive and would be harmful to TimkenSteel if it were disclosed to the public. TimkenSteel has a real and substantial interest in protecting such information. No one else can adequately protect that interest. To the extent that any other party seeks a hearing or raises issues in Case No. 21-831-EL-RDR that would adversely affect the unique arrangement approved in Case No. 15-1857-EL-AEC, TimkenSteel also seeks intervention in this case so as to be able to protect that interest.

Granting TimkenSteel's intervention will not unduly delay this proceeding. Moreover, TimkenSteel has intervened successfully in multiple matters involving the economic development calculations.² TimkenSteel's request to intervene in this proceeding is consistent.

WHEREFORE, TimkenSteel respectfully requests that the Commission grant its motion to intervene so that the Commission can consider its motion for protective order to protect the information contained in Schedule No. 2 and Schedule No. 3 attached to the application in this

² See, e.g., *In re Application of Ohio Power Company to Adjust its Economic Development Cost Recovery Rider Rate*, Case No. 17-1714-EL-RDR, Finding and Order at 4 (Sep. 13, 2017); *In re Application of Ohio Power Company to Adjust its Economic Development Cost Recovery Rider Rate*, Case No. 17-0295-EL-RDR, Finding and Order at 4 (Mar. 29, 2017); *In the Matter of the Application of Ohio Power Company to Adjust Its Economic Development Rider Rate*, Case No. 16-1684-EL-RDR, Finding and Order at 4 (Sep. 22, 2016); *In the Matter of the Application of Ohio Power Company to Adjust Its Economic Development Rider Rate*, Case No. 16-260-EL-RDR, Finding and Order at 4 (Mar. 31, 2016); *In re Application of Ohio Power Company to Adjust The Economic Development Cost Recovery Rider Rate*, Case No. 18-191-EL-RDR, Finding and Order at ¶13 (Mar. 28, 2018); *In re Application of Ohio Power Company to Adjust The Economic Development Cost Recovery Rider Rate*, Case No. 19-232-EL-RDR, Finding and Order at ¶14 (March 20, 2019); *In re Application of Ohio Power Company to Adjust The Economic Development Cost Recovery Rider Rate*, Case No. 20-1340-EL-RDR, Finding and Order at ¶12 (Sept. 23, 2020) and *In re Application of Ohio Power Company to Adjust Its Economic Development Cost Recovery Rider Rate*, Case No. 21-104-EL-RDR, Finding and Order at ¶12 (March 24, 2021).

case, and so that TimkenSteel can protect its interests in this proceeding should other issues be raised or should this matter go to hearing.

Respectfully submitted,

/s/ Gretchen L. Petrucci

Michael J. Settineri (0073369), Counsel of Record

Gretchen L. Petrucci (0046608)

VORYS, SATER, SEYMOUR AND PEASE LLP

52 East Gay Street, P.O. Box 1008

Columbus, Ohio 43216-1008

(614) 464-5462 Telephone

(614) 719-5146 Facsimile

mjsettineri@vorys.com

glpetrucci@vorys.com

(Both are willing to accept service by email)

Counsel for TimkenSteel Corporation

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 is also being served (via electronic mail) on the 17th day of August 2021 upon the persons listed below.

Steven T. Nourse
American Electric Power Service Corp.
1 Riverside Plaza, 29th Floor
Columbus, Ohio 43215
stnourse@aep.com

Counsel for Ohio Power Company

Kimberly W. Bojko
Thomas V. Donadio
Carpenter Lipps & Leland LLP
280 North High Street, Suite 1300
Columbus, Ohio 43215
bojko@carpenterlipps.com
donadio@carpenterlipps.com

*Counsel for PRO-TEC Coating Company,
LLC*

Michael L. Kurtz
Jody Kyler Cohn
BOEHM, KURTZ & LOWRY
36 East Seventh Street, Suite 1510
Cincinnati, Ohio 45202
mkurtz@bkllawfirm.com
jkylercohn@bkllawfirm.com

Counsel for JSW Steel Ohio, Inc.

/s/ Gretchen L. Petrucci
Gretchen L. Petrucci

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

8/17/2021 4:01:51 PM

in

Case No(s). 21-0831-EL-RDR

Summary: Motion Motion to Intervene and Memorandum in Support electronically filed by Mrs. Gretchen L. Petrucci on behalf of TimkenSteel Corporation