

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Ohio)
Power Company for Administration of the) Case No. 20-1006-EL-UNC
Significantly Excessive Earnings Test for)
2019 Pursuant to R.C. 4928.143(F) and Ohio)
Adm.Code 4901:1-35-10.)
)

In the Matter of the Application of Ohio)
Power Company for Administration of the) Case No. 21-541-EL-UNC
Significantly Excessive Earnings Test for)
2020 Pursuant to R.C. 4928.143(F) and Ohio)
Adm.Code 4901:1-35-10.)
)

In the Matter of the Quadrennial Review)
Required by R.C. 4928.143(E) for the Electric) Case No. 21-1166-EL-UNC
Security Plan of Ohio Power Company.)

**MOTION TO INTERVENE OF
THE OHIO MANUFACTURERS' ASSOCIATION ENERGY GROUP**

Pursuant to R.C. 4903.221 and Ohio Adm. Code 4901-1-11, the Ohio Manufacturers' Association Energy Group (OMAEG) respectfully moves the Public Utilities Commission of Ohio (Commission) to intervene in the above-captioned proceedings with the full powers and rights granted to intervening parties. As detailed in the attached Memorandum in Support, OMAEG has a real and substantial interest in these proceedings that may be adversely affected by the outcome herein, and which cannot be adequately represented by any other party. Accordingly, OMAEG satisfies the standard for intervention set forth in Ohio statutes and regulations.

Therefore, OMAEG respectfully requests that the Commission grant this motion to intervene and make OMAEG a full party of record in these proceedings.

Respectfully submitted,

/s/ Jonathan B. Wygonski

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Energy Group*

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MEMORANDUM IN SUPPORT

On May 15, 2020, in Case No. 20-1006-EL-UNC (2019 SEET Case), the Ohio Power Company d/b/a AEP Ohio (AEP Ohio) filed an Application seeking a finding from the Commission that AEP Ohio did not have significantly excessive earnings under its Electric Security Plan (ESP) for calendar year 2019. On May 14, 2021, in Case No. 21-541-EL-UNC (2020 SEET Case), AEP Ohio filed an Application seeking a finding from the Commission that AEP Ohio did not have significantly excessive earnings under its ESP for calendar year 2020. On November 11, 2021, the Commission opened Case No. 21-1166-EL-UNC for the purpose of conducting the quadrennial review of whether AEP Ohio's ESP continues to be more favorable in the aggregate as compared to the expected results of a market rate offer (MRO) as required by R.C. 4928.143(E).

In an Entry issued November 19, 2021, the Commission consolidated the three cases for the purposes of administrative and procedural efficiency.¹ The Commission directed interested parties to file motions to intervene in the consolidated cases by December 17, 2021.²

OMAEG has a real and substantial interest that may be adversely affected by these proceedings and that interest cannot be adequately represented by any existing parties. R.C. 4903.221 and Ohio Adm. Code 4901-1-11 establish the standard for intervention in the above-captioned proceedings. R.C. 4903.221 provides, in 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) and Ohio Adm.Code 4901-1-11(B) require 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 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(B) further requires the Commission to consider the extent to which the prospective intervenor’s interest is represented by existing parties.

OMAEG is a non-profit entity that strives to improve business conditions in Ohio and drive down the cost of doing business for Ohio manufacturers. OMAEG members and their representatives work directly with elected officials, regulatory agencies, the judiciary, and others to provide education and information to energy consumers, regulatory boards and suppliers of energy; advance energy policies to promote an adequate, reliable, and efficient supply of energy at reasonable prices; and advocate in critical cases before the Commission. Here, OMAEG has a

¹ Entry at ¶ 9 (Nov. 19, 2021).

² *Id.*

substantial interest in ensuring that AEP Ohio charges just and reasonable rates for electric service, and that AEP Ohio's ESP did not result in significantly excessive earnings pursuant to R.C. 4928.143(E). OMAEG also has a substantial interest in the quadrennial review to determine whether the ESP continues to be more favorable in the aggregate as compared to the expected results of an MRO. No other parties to the cases will adequately represent these interests.

Furthermore, OMAEG's expertise will contribute to full development and equitable resolution of the factual issues without unduly delaying or prolonging the proceedings. As consumers of significant amounts of electricity in AEP Ohio's service territory, OMAEG has been granted intervention and participated in prior proceedings before the Commission involving AEP Ohio,³ including AEP Ohio's previous SEET case.⁴

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

³ See, e.g., *In the Matter of the Review of the Power Purchase Agreement Rider of Ohio Power Company for 2018*, Case Nos. 18-1004-EL-RDR, et al., Motion to Intervene of the Ohio Manufacturers' Association Energy Group (Jan. 11, 2021); *In the Matter of the Application of Ohio Power Company to Initiate its gridSMART Phase 3 Project*, Case No. 19-1475-EL-RDR, Motion to Intervene of the Ohio Manufacturers' Association Energy Group (Sept. 6, 2019).

⁴ See *In the Matter of the Application of Ohio Power Company for Administration of the Significantly Excessive Earnings Test Under Section 4928.143(F), Revised Code, and Rule 4901:1-35-10, Ohio Administrative Code*, Case Nos. 13-2249-EL-UNC, et al., Motion to Intervene of the OMA Energy Group (Jan. 17, 2014).

Because OMAEG satisfies the criteria set forth in R.C. 4903.221 and Ohio Adm. Code 4901-1-11, Ohio law authorizes OMAEG to intervene in these proceedings with the full powers and rights granted by the Commission to intervening parties. OMAEG respectfully requests that the Commission grant this motion for leave to intervene and make OMAEG a full party of record in these proceedings.

Respectfully submitted,

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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 December 17, 2021 upon the parties listed below.

/s/ Kimberly W. Bojko
Kimberly W. Bojko

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Summary: Motion To Intervene of The Ohio Manufacturers' Association Energy
Group electronically filed by Mrs. Kimberly W. Bojko on behalf of OMA Energy
Group