

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of The Application of Barton)	
Windpower, LLC for Certification as an Eligible)	Case No. 22-0380-EL-REN
Ohio Renewable Energy Resource Generating)	
Facility.		

**MOTION FOR LEAVE TO INTERVENE
AND MOTION TO CONSOLIDATE
OF CARBON SOLUTIONS GROUP, LLC**

In accordance with R.C. 4903.221, Ohio Admin. Code 4901-1-11, Ohio Admin. Code, and Ohio Admin. Code 4901:1-40-04(D)(1), Carbon Solutions Group, LLC (CSG) requests issuance of an entry: (1) granting leave to intervene in this proceeding; and (2) consolidating this proceeding with the five proceedings consolidated in Case Nos. 21-0516-EL-REN *et al.* (the “Avangrid REN Applications”).¹ This motion should be granted for the reasons explained below.

MEMORANDUM IN SUPPORT

On April 5, 2022, the Commission consolidated and granted intervention to CSG in the Avangrid REN Applications. Avangrid has filed another REN application that raises common issues of law and fact. Administrative economy and efficiency dictate that the most recent application also be consolidated with the Avangrid REN Applications, and the right to intervene previously conferred to CSG be extended to this most recent application.

I. Motion to Intervene

R.C. 4903.221 confers a right to intervene to any person who may be "adversely

¹ See Case Nos. 21-0516-EL-REN, 21-0517-EL-REN, 21-0531-EL-REN, 21-0532-EL-REN, and 21-0544-EL-REN, Entry ¶¶ 21, 29 (April 5, 2022).

affected" by a Commission proceeding. In considering a request to intervene, the Commission must consider 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, and whether intervention would unduly delay the proceeding. *See* R.C. 4903.221(B)(1-4). The April 5, 2022 Entry in the Avangrid REN Applications found that CSG meets these criteria, and granted intervention.

CSG also meets the intervention criteria here. As with the existing applications, the application here seeks certification of an out-of-state facility (located in Iowa) where the same "deliverability" issues are implicated. CSG's interests are distinct from Applicants', and CSG's participation in the proceeding will contribute to a just and expeditious resolution of the issue of whether electricity from the facility is "deliverable into this state." CSG is seeking intervention within the 20-day deadline under O.A.C. 4901:1-40-04(D)(1), and granting intervention will not cause delay.

II. Motion to Consolidate

The most recent application and Avangrid REN Applications share the same legal issues and analogous factual issues. All involve facilities located outside PJM. None disclose how electricity from the facility is deliverable into Ohio. A final order in the Avangrid REN Applications will also resolve these issues here. Judicial economy would be served by consolidating this proceeding with the other Avangrid REN Applications.

III. Conclusion

For the reasons discussed above, the Commission should grant intervention to CSG and consolidate this proceeding with the Avangrid REN Applications.

Dated: May 3, 2022

Respectfully submitted,

/s/ Mark A. Whitt

Mark A. Whitt (0067996)

Lucas A. Fykes (0098471)

WHITT STURTEVANT LLP

The KeyBank Building, Suite 1590

88 East Broad Street

Columbus, Ohio 43215

Telephone: (614) 224-3946

whitt@whitt-sturtevant.com

fykes@whitt-sturtevant.com

Attorneys for Carbon Solutions Group, LLC

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion to Intervene and Motion to Consolidate was served by electronic mail this 3rd day of May, 2022 to the following:

SERVICE LIST

Kristin.Clingan@puco.ohio.gov
mary.fischer@puco.ohio.gov

cc: Barton Windpower, LLC
Kristin Sare
970 410th Street
Kensett, Iowa 50448

/s/ Lucas A. Fykes
One of the Attorneys for
Carbon Solutions Group, LLC

**This foregoing document was electronically filed with the Public Utilities
Commission of Ohio Docketing Information System on**

5/3/2022 4:36:44 PM

in

Case No(s). 22-0380-EL-REN

Summary: Motion Motion for Leave to Intervene and Motion to Consolidate
electronically filed by Ms. Valerie A. Cahill on behalf of Carbon Solutions Group,
LLC