

In the Matter of the Application of AES Ohio)
for the Amsterdam – West Moulton 138kV) Case No. 22-0139-EL-BLN
Improvements Project)

Pursuant to Ohio Revised Code § 4906.08(A)(3) and Ohio Administrative Code § 4906-2-12, Buckeye Power, Inc. (“Buckeye”) hereby moves to intervene in this proceeding. Buckeye has a real and substantial interest in this proceeding and its interest, which may be prejudiced by the result of this proceeding, is not represented by existing parties. Thus, as set forth more fully in the attached memorandum in support, Buckeye respectfully requests that the Board grant this timely request to intervene.

/s/ N. Trevor Alexander

Attorneys for Buckeye Power, Inc.

**BEFORE
THE OHIO POWER SITING BOARD**

In the Matter of the Application of AES Ohio)	
for the Amsterdam – West Moulton 138kV)	
Improvements Project)	Case No. 22-0139-EL-BLN
)	
)	

**MEMORANDUM IN SUPPORT OF MOTION TO INTERVENE OF
BUCKEYE POWER, INC.**

I. INTRODUCTION

On May 20, 2022, Dayton Power and Light Company doing business as AES Ohio (“AES”) filed a letter of notification application (“LON”) requesting that the Ohio Power Siting Board (“OPSB” or “Board”) approve the construction of the Amsterdam – W. Moulton 138 kilovolt (“kV”) Improvements, an electric transmission project that will rebuild and upgrade approximately 12.6 miles of existing transmission lines (the “Project”). Buckeye supports this Project and the LON.

Buckeye Power, Inc. (“Buckeye”) is an Ohio non-profit corporation operating on a cooperative basis that provides generation and transmission services to its 25 electric distribution cooperative members¹, including Pioneer Rural Electric Cooperative, Inc. (“Pioneer”) and Midwest Electric, Inc. (“Midwest”) at transmission delivery points throughout the State of Ohio.

¹ The 25 distribution cooperative members of Buckeye are: Adams Rural Electric Cooperative, Inc.; Buckeye Rural Electric Cooperative, Inc.; Butler Rural Electric Cooperative, Inc.; Carroll Electric Cooperative, Inc.; Consolidated Cooperative, Inc.; Darke Rural Electric Cooperative, Inc.; Firelands Electric Cooperative, Inc.; The Frontier Power Company; Guernsey-Muskingum Electric Cooperative, Inc.; Hancock-Wood Electric Cooperative, Inc.; Holmes-Wayne Electric Cooperative, Inc.; Licking Rural Electrification, Inc.; Logan County Cooperative Power and Light Association, Inc.; Lorain-Medina Rural Electric Cooperative, Inc.; Mid-Ohio Energy Cooperative, Inc.; Midwest Electric, Inc.; Midwest Energy & Communications; North Central Electric Cooperative, Inc.; North Western Electric Cooperative, Inc.; Paulding-Putnam Electric Cooperative, Inc.; Pioneer Rural Electric Cooperative, Inc.; South Central Power Company; Tricounty Rural Electric Cooperative, Inc.; Union Rural Electric Cooperative, Inc.; and Washington Electric Cooperative, Inc.

The improvements contemplated by the Project will strengthen the AES transmission system in the area that serves Pioneer's and Midwest's retail electric member-consumers. Approval and timely completion of the Project is essential to improving reliability for Pioneer's and Midwest's retail member-consumers, including a large manufacturing facility operated by Honda Development and Manufacturing of America ("Honda"). The existing service to Honda has no redundancy and the manufacturing facility is susceptible to a complete outage under a single contingency across the existing transmission line. The other customers in the area also have limited redundancy. The improved reliability created by this Project is also necessary for AES's compliance with redundancy requirements set by the North American Electric Reliability Corporation (NERC). Because this Project significantly impacts the electric supply provided by Buckeye to its members, Buckeye has a real and substantial interest in this proceeding, and the OPSB's disposition of this proceeding may impair or impede its ability to protect that interest. Thus, Buckeye respectfully requests that the OPSB grant its Motion to Intervene in this proceeding.

II. LEGAL STANDARD

R.C. § 4906.08(A)(3) provides that "[t]he parties to a certification proceeding shall include . . . any other person, if the person has petitioned the board for leave to intervene as a party within thirty days after the date of publication of the notice required by division (C) of section 4906.06 of the Revised Code, and if that petition has been granted by the board for good cause shown." In this case, the date of publication referenced in R.C. § 4906.06(C) was filed on May 23, 2022, making this filing timely. In addition, O.A.C. § 4906-2-12(A)(2) provides that "all other persons may petition for leave

to intervene by . . . setting forth the grounds for the proposed intervention and the interest of the petitioner in the proceedings.”

Thus, Ohio law and the Board’s rules direct the Board to grant intervention for “good cause shown,” considering the grounds for intervention and the interest of the petitioner. Buckeye addresses below the nature and extent of its interest and the grounds for intervention, and for the reasons stated below, Buckeye shows good cause for granting intervention in this case.

III. ARGUMENT

Buckeye is directly affected by the LON as it receives transmission service over the area facilities impacted by the Project. The delivery points at which Buckeye receives transmission service from AES provide electric supply to Buckeye’s members, Pioneer and Midwest, and in turn, to their retail member-consumers. As such, Buckeye has a substantial interest in the outcome of this proceeding and in ensuring that the improvements contemplated by the Project are approved with appropriate terms and proceed on a timely basis. Buckeye seeks to intervene to ensure that any challenges, changes, or conditions to the Project will not impact the Project moving forward in a timely manner or the improvement to the reliability of Buckeye’s and its members’ electric service expected to result from the completion of the Project.

Buckeye’s interests are not represented by any other party to this proceeding, as no other party to this proceeding represents Buckeye, Buckeye’s members and their retail member-consumers interests. In addition, Buckeye has a unique perspective to offer to this proceeding as it is the only party representing strictly AES customer interests. Buckeye will also contribute to the resolution of the proceeding because it has experience in the electric industry and has valuable knowledge to contribute, particularly relating to the impact of the Project on the reliability of electric supply for transmission delivery points and retail customers. Further, the LON was filed May 20, 2022 by AES.

Accordingly, Buckeye's Motion to Intervene is timely and will not prejudice any existing parties or unduly prolong or delay the proceedings.

For the foregoing reasons, Buckeye believes good cause exists for the Board to grant its Motion to Intervene in this case supporting the Project.

IV. CONCLUSION

WHEREFORE, Buckeye respectfully requests that the Board grant this Motion to Intervene and allow Buckeye to be made a party of record to this proceeding.

Respectfully submitted,

/s/ N. Trevor Alexander

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CERTIFICATE OF SERVICE

I certify that the foregoing was filed electronically through the Docketing Information System of the Public Utilities Commission of Ohio on this 22nd day of June, 2022. The docketing division's e-filing system will electronically serve notice of the filing of this document on the following parties:

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Summary: Motion to Intervene electronically filed by Mr. N. Trevor Alexander on
behalf of Buckeye Power Inc.