

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Ohio	)	
Power Company for Authority to [Implement]	)	Case No. 22-1140-EL-ATA
New or Amended Rate Schedules and Tariffs	)	

In the Matter of the Application of Ohio	)	
Power Company for Approval to Change	)	Case No. 22-1141-EL-AAM
Accounting Methods	)	

**MOTION TO INTERVENE  
AND  
MEMORANDUM IN SUPPORT OF  
CALPINE RETAIL HOLDINGS, LLC**

Pursuant to Ohio Revised Code § 4903.221 and Ohio Administrative Code 4901-1-11, Calpine Retail Holdings, LLC (together with its operating subsidiaries, “Calpine”) moves to intervene in these proceedings. The Public Utilities Commission of Ohio (“Commission”) should grant Calpine’s request to intervene because Calpine has a real and substantial interest in the proceedings, and the Commission’s disposition of these proceedings may impair or impede Calpine’s ability to protect that interest. The reasons supporting this request for intervention are contained in the accompanying Memorandum in Support.

Respectfully Submitted,

/s/ Gretchen L. Petrucci  
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*Counsel for Calpine Retail Holdings, LLC*

Dated: January 6, 2023

**MEMORANDUM IN SUPPORT OF  
THE MOTION TO INTERVENE OF  
CALPINE RETAIL HOLDINGS, LLC**

Pursuant to Ohio Revised Code (“R.C.”) § 4903.221 and Ohio Administrative Code (“Rule”) 4901-01-11, the Commission should grant Calpine’s request to intervene in these proceedings.

Calpine subsidiaries include independent, national providers of retail electric service across 20 states. Calpine is actively serving and soliciting competitive retail electric services to all classes of Ohio customers, and is also a Load Serving Entity (“LSE”) and member of PJM Interconnection LLC. Calpine currently offers a wide variety of efficiency and energy-related products and services beyond simple energy procurement, including transmission, load and risk management, sustainability and green energy solutions to even the smallest of business customers – all designed to meet the individualized needs and demands of Calpine’s business customers and capture the benefits of the existing competitive wholesale energy environment to bring those benefits forward into to Ohio’s competitive retail electric market.

The standard for intervention at the Commission is governed by R.C. § 4903.221 and Rule 4901-1-11. R.C. § 4903.221 states that the Commission 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; and (4) whether the prospective intervenor will significantly contribute to full development and equitable resolution of the factual issues. Rule 4901-1-11 states in part:

Upon timely motion, any person shall be permitted to intervene in a proceeding upon a showing that:

\* \* \*

(2) The person has a real and substantial interest in the proceeding, and the person is so situated that the disposition of the proceeding may, as a practical matter, impair or impede his or her ability to protect that interest, unless the person's interest is adequately represented by existing parties.

Calpine satisfies all of the factors for intervention and the Commission should make Calpine a full party to these proceedings. First, Calpine has a real, direct and substantial interest in several issues in these proceedings. Ohio Power Company ("AEP Ohio") has proposed tariff changes that would preclude a governmental aggregator from offering an opt-out aggregation program for at least 12 months under certain circumstances if the governmental aggregator returns customers in bulk to the utility's Standard Service Offer. While the filing purports to be consistent with the Commission's September 7, 2022 Entry in Case No. 00-2317-EL-GAG (the "Entry"), the application raises numerous issues, including the lack of definition for "Governmental Aggregator," the amount of notice required, and the ability of affected customers to switch to competitive suppliers such as Calpine. Preventing Calpine from competing for the business of potentially thousands of Ohio customers would adversely affect Calpine's interests.

Second, Calpine intends to play a constructive role in this case and provide information that will assist the Commission. Calpine has participated in other Commission proceedings and is a knowledgeable, experienced participant in the Ohio competitive market. Calpine, therefore, can contribute to a just and expeditious resolution of the issues involved. Third, no other party to these proceedings can adequately represent Calpine's interest. Fourth, Calpine's intervention is timely and its intervention would not unduly delay the proceedings nor unjustly prejudice any existing party.

Accordingly, Calpine has a real and substantial interest and is entitled to intervene in these proceedings under R.C. § 4903.221 and Rule 4901-1-11. Calpine respectfully requests that the Commission grant this motion to intervene.

Respectfully Submitted,

/s/ Gretchen L. Petrucci

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(Willing to accept service by email)

*Counsel for Calpine Retail Holdings, LLC*

Dated: January 6, 2023

### **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 these cases. In addition, the undersigned hereby certifies that a copy of the foregoing document is also being served (via electronic mail) on the 6<sup>th</sup> day of January 2023 upon the persons listed below.

Ohio Power Company

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Staff of the Public Utilities Commission of Ohio

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/s/ Gretchen L Petrucci

Gretchen L. Petrucci

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**Case No(s). 22-1140-EL-ATA, 22-1141-EL-AAM**

Summary: Motion Motion to Intervene and Memorandum in Support electronically  
filed by Mrs. Gretchen L. Petrucci on behalf of Calpine Retail Holdings, Inc.