

**BEFORE THE  
PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of	)	
Ohio Power Company for Authority to	)	Case No. 23-0023-EL-SSO
Establish a Standard Service Offer	)	
Pursuant to §4928.143, Ohio Rev. Code,	)	
In the Form of an Electric Security Plan	)	

In the Matter of the Application of	)	Case No. 23-0024-EL-AAM
Ohio Power Company for Approval of	)	
Certain Accounting Authority	)	

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**MOTION TO INTERVENE BY THE CITIZENS' UTILITY BOARD OF OHIO**

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Pursuant to Ohio Revised Code 4903.221 and Ohio Administrative Code 4901-1-11, the Citizens' Utility Board of Ohio ("CUB Ohio") respectfully moves to intervene in the above captioned proceeding. As explained more thoroughly in the attached Memorandum in Support, CUB Ohio has a real and substantial interest in this case regarding the proposed Application for Approval of its fifth Electric Security Plan ("ESP" or "ESP V") by Ohio Power Company ("AEP Ohio" or "the Company").

CUB Ohio is a non-profit, non-partisan, advocacy organization that works on behalf of residential and small business utility customers. With membership across the state, CUB Ohio advocates for cheaper utility bills, reliable service, transparency, consumer rights, and clean, healthy energy delivered equitably. Our work includes addressing the climate crisis by cleaning up our energy systems and addressing systemic racism by working for environmental justice. As an independent, non-profit consumer watchdog that advocates for residential and small business utility customers in Ohio, CUB Ohio has members in AEP Ohio's service territory that will be

subject to residential rates and riders set in this proceeding, and who may benefit from aspects of AEP Ohio's proposed residential electric vehicle charging, energy efficiency and other programs. CUB Ohio therefore seeks intervention in this proceeding in order to ensure AEP Ohio's distribution rates applicable to its members are just and reasonable, and to provide input as to the design of any energy efficiency programs to ensure they benefit CUB Ohio members.

The interests of CUB Ohio are not adequately represented by any other party to this matter and its participation in this proceeding will contribute to a just and expeditious resolution of the issues that protects the interests of Ohio residential and small business customers. Finally, CUB Ohio's participation in this docket will not unduly delay the proceeding or prejudice any other party. CUB Ohio respectfully requests this Commission grant its motion to intervene for these reasons and those set forth in more detail in the attached Memorandum in Support.

Respectfully Submitted,

/s/ Trent Dougherty

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January 24, 2023

**BEFORE THE  
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**MEMORANDUM IN SUPPORT**

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Ohio Revised Code (“R.C.”) 4903.221 states that “[a]ny other person who may be adversely affected by a public utilities commission proceeding may intervene in such proceeding” provided the Public Utilities Commission of Ohio (“PUCO” or “Commission”) makes certain determinations. This statutory provision requires the Commission to consider four factors when presented with a motion to intervene. In addition, the Commission’s procedural rules at Ohio Administrative Code (“Ohio Adm. Code”) 4901-11-1 similarly provide that it shall consider five factors when weighing a motion to intervene. This request for intervention by the Citizens’ Utility Board of Ohio (“CUB Ohio”) satisfies all of the factors set forth in statute and rule. Pursuant to R.C. 4903.221, the Commission must 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. R.C. 4903.221(B).

With respect to the first and second factors, CUB Ohio is an independent, non-profit consumer watchdog that advocates for residential and small business utility customers in Ohio. CUB Ohio pursues affordable and reliable utility service that leverages advanced energy technology to benefit ratepayers. CUB Ohio has members in the service territory of the Company who will be subject to rates approved in this proceeding, and potentially benefit from certain programs established in this proceeding. CUB Ohio therefore has a real and substantial interest in intervening in this proceeding to ensure just and reasonable rates for its members and the development of well designed utility programs. Specifically, AEP Ohio has proposed residential energy efficiency and demand side management programs and electric vehicle charging programs, and a number of continuing and newly created riders that will either have great impact on residential consumers and/or provide opportunities for residential consumers to lower costs and save energy.

With respect to the third factor, CUB Ohio's participation in this docket will not unduly delay the proceeding or prejudice any other party. The Commission has set no deadline for intervention in this docket, and CUB Ohio plans to comply with any applicable procedural schedule going forward. Finally, CUB Ohio's participation in this proceeding will contribute to a just and expeditious resolution of the issues that protects the interests of Ohio residential and small business customers. CUB Ohio has been actively engaged in Commission proceedings since its inception in 2020, including pursuing accountability for any wrongdoing surrounding the enactment of House Bill 6, including through the filing of a complaint in Case No.

20-1756-EL-CSS that presents reasonable grounds to believe the FirstEnergy EDUs have made expenditures of ratepayer funds in connection with the passage of House Bill 6, as well as pursuing utility investments in energy efficiency, engaging in natural gas and electric rate cases, and scrutinizing the ongoing audits of the OVEC riders. Accordingly, CUB Ohio is well-acquainted with facts relevant to this proceeding and prepared to pursue appropriate remedies for any actionable findings resulting from the Commission's inquiry.

Similarly, CUB Ohio satisfies the criteria set forth in Ohio Adm. Code 4901-11-1(B): (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; [and] (5) The extent to which the person's interest is represented by existing parties. The first four factors mirror those in R.C. 4903.221, and for the same reasons as stated above, CUB Ohio meets those factors. As to the fifth, although other ratepayer groups have intervened in this docket, CUB Ohio advocates for Ohio's transition to an energy sector that utilizes advanced technology to provide benefits to residential and small business utility customers. CUB Ohio maintains that no other party can adequately represent its interests as an independent non-profit advocating on behalf of residential and small business ratepayers to promote regulation that utilizes advanced technology and innovation to maximize consumer benefits.

Finally, this Commission's policy is to "encourage the broadest possible participation in its proceedings." Cleveland Elec. Illum. Co., Case No. 85-675-EL-AIR, Entry at 2 (January 14, 4

1986). CUB Ohio's inclusion in this proceeding will contribute to this goal of broad participation in PUCO proceedings. Because CUB Ohio meets the criteria set forth in both R.C. 4903.221 and Ohio Adm. Code 4901-11-1, it respectfully asks this Commission to grant its motion to intervene in the above-captioned proceeding.

Respectfully Submitted,

/s/Trent Dougherty

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***Counsel for the Citizens' Utility Board of  
Ohio***

### **CERTIFICATE OF SERVICE**

I hereby certify that a copy of this filing will be electronically served via the Public Utility Commission of Ohio's e-filing system on all parties referenced in the service list of the docket.

/s/ Trent Dougherty  
Trent Dougherty

**This foregoing document was electronically filed with the Public Utilities  
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**in**

**Case No(s). 23-0023-EL-SSO, 23-0024-EL-AAM**

Summary: Motion Motion to Intervene and Memorandum in Support electronically  
filed by Mr. Trent A Dougherty on behalf of Citizens Utility Board of Ohio