

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of)	Case No. 23-23-EL-SSO
Ohio Power Company for Authority to)	
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. 23-24-EL-AAM
Ohio Power Company for Approval of)	
Certain Accounting Authority)	

**MOTION TO INTERVENE BY
THE ENVIRONMENTAL LAW & POLICY CENTER**

Pursuant to Ohio Revised Code 4903.221 and Ohio Administrative Code 4901-1-11, the Environmental Law & Policy Center (ELPC) respectfully moves to intervene in this proceeding. As explained more thoroughly in the attached Memorandum in Support, ELPC has a real and substantial interest in this case, in which Ohio Power Company (“AEP Ohio”) seeks approval from the Public Utilities Commission of Ohio approval of its fifth Electric Security Plan (“ESP V”).

ELPC’s interests 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 and questions. ELPC’s participation will not unduly delay the proceedings or prejudice any other party. Therefore, ELPC respectfully requests this Commission grant its motion to intervene.

February 8, 2023

Respectfully submitted,

/s/ Erica McConnell

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**MEMORANDUM IN SUPPORT OF THE MOTION TO INTERVENE BY
THE ENVIRONMENTAL LAW & POLICY CENTER**

Ohio Revised Code 4903.221 allows intervention by persons who may be adversely affected by a public utilities commission proceeding provided the Public Utilities Commission of Ohio (Commission) makes certain determinations. The Environmental Law & Policy Center (ELPC) is a non-profit environmental advocacy organization with a mission is to improve the Midwest's environmental quality and economic development. As a regional organization with a presence and members in Ohio, ELPC and its members may be adversely affected by the outcome of this proceeding, and its interests are not adequately represented by the other parties in the case.

Revised Code 4903.221 requires the Commission to consider four factors when presented with a motion to intervene. Ohio Administrative Code 4901-11-1 similarly provides that the Commission shall consider the same four factors, with an additional fifth factor, when weighing a motion to intervene. ELPC's motion meets all of the factors required by 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).

Satisfying the first factor, ELPC has a substantial interest in AEP Ohio's ESP V. ELPC is a nonprofit environmental advocacy organization whose mission is to improve the Midwest's environmental quality and economic development. Moreover, ELPC has members in Ohio and its work focuses on Ohio energy and environmental issues. ELPC and its members are interested in AEP Ohio's proposed voluntary efficiency programs and other aspects of the case that relate to clean energy such as electric vehicles and rate design. These aspects of the case relate directly to ELPC's interest in both reducing energy and ensuring optimal use of clean energy and electric vehicle charging.

ELPC previously intervened in Case No. 16-1852-EL-SSO et al. regarding AEP Ohio's request for approval of their Electric Security Plan IV. ELPC has also participated in other Ohio electric utilities' Electric Security Plan proceedings such as Case No. 17-1263-EL-SSO et al. (Duke Energy Ohio, Inc.), and Case No. 14-1297-EL-SSO (Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company).

As to the second factor, because of the potential impacts on ELPC and its Ohio members, ELPC seeks the Commission's careful scrutiny of the reasonableness of AEP Ohio's proposed ESP V proposal to ensure it is reasonably designed to deliver cost-effective measures that provide a framework for effectively maximizing energy savings and environmental benefits.

Under the third factor, ELPC's inclusion will not unduly delay or prolong the proceeding. The Commission has set no deadline for intervention in this docket, and ELPC plans to comply with any applicable procedural schedule going forward.

Finally, ELPC will significantly contribute to the full development and resolution of the proceeding by bringing its unique perspective to bear. ELPC has expertise and experience throughout the Midwest regarding clean energy policy that will help develop the record and aid in resolving issues in the case. ELPC has participated in multiple proceedings in Ohio as well as other states regarding distribution rate design and efficiency.

Similarly, ELPC meets the requirements 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 reasons stated above, ELPC meets those factors. As to the fifth, ELPC maintains that no other party can adequately represent its interests as a regional environmental advocacy organization that also focuses on environmentally friendly economic development, including new job creation.

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,

1986). ELPC's inclusion in this proceeding will contribute to this goal of broad participation in PUCO proceedings.

Because ELPC 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 proceedings.

Respectfully submitted,

/s/ Erica McConnell

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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing Motion to Intervene submitted on behalf of the Environmental Law & Policy Center was filed electronically through the Docketing Information System of the Public Utilities Commission of Ohio on February 8, 2023. The PUCO's e-filing system will electronically serve notice of the filing of this document on counsel for all parties.

Respectfully submitted,

/s/ Erica McConnell

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**This foregoing document was electronically filed with the Public Utilities
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2/8/2023 2:24:04 PM

in

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

Summary: Motion to Intervene and Memorandum electronically filed by Mr. Robert Kelter on behalf of Environmental Law & Policy Center