

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Ohio Power)
Company to Update its Basic Transmission) Case No. 23-0057-EL-RDR
Cost Rider.)

**MOTION TO INTERVENE
OF
THE OHIO MANUFACTURERS' ASSOCIATION ENERGY GROUP**

Pursuant to R.C. 4903.221 and Ohio Adm. Code 4901-1-11, the Ohio Manufacturers' Association Energy Group (OMAEG) respectfully moves the Public Utilities Commission of Ohio (Commission) to intervene in this matter with the full powers and rights granted to intervening parties. On January 17, 2023, Ohio Power Company (AEP) filed an application requesting to increase the charges to customers under its Basic Transmission Cost Rider (BTCR).

As demonstrated in the attached Memorandum in Support, OMAEG has real and substantial interests that may be adversely affected by the outcome herein, and which cannot be adequately represented by any other existing parties. Accordingly, OMAEG satisfies the standard for intervention set forth in Ohio statutes and regulations.

Therefore, OMAEG respectfully requests that the Commission grant this motion to intervene and OMAEG be made a full party of record in these proceedings.

Respectfully submitted,

/s/ Kimberly W. Bojko

Kimberly W. Bojko (0069402) (Counsel of Record)

Jonathan Wygonski (100060)

Carpenter Lipps & Leland LLP

280 North High Street, Suite 1300

Columbus, Ohio 43215

Telephone: (614) 365-4100

bojko@carpenterlipps.com

wygonski@carpenterlipps.com

(willing to accept service by e-mail)

Counsel for the Ohio Manufacturers' Association

Energy Group

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Ohio Power)
Company to Update its Basic Transmission) Case No. 23-0057-EL-RDR
Cost Rider.)

MEMORANDUM IN SUPPORT

The Commission authorized the BTCR as part of AEP’s third electric security plan (ESP III).¹ The BTCR is a nonbypassable mechanism through which AEP recovers non-market based transmission charges from its customers.² On January 15, 2021, AEP filed an application to update its BTCR. As further explained below, OMAEG has a real and substantial interest in the outcome of these proceedings.

R.C. 4903.221 and Ohio Adm.Code 4901-1-11 establish the standards for intervention in Commission proceedings. R.C. 4903.221 provides, in pertinent part, that any person “who may be adversely affected” by a Commission proceeding is entitled to seek intervention in that proceeding. R.C. 4903.221(B) further requires the Commission to consider the nature and extent of the prospective intervenor’s interest, the legal position advanced by the prospective intervenor and its probable relation to the merits of the case, whether the intervention by the prospective intervenor will unduly prolong or delay the proceeding, and the prospective intervenor’s potential contribution to a just and expeditious resolution of the issues involved. Ohio Adm.Code 4901-1-11 permits intervention to a party who demonstrates a real and substantial interest in the proceeding

¹ *In the Matter of the Application of Ohio Power Company for Authority to Establish a Standard Service Offer Pursuant to R.C. 4928.143, in the Form of an Electric Security Plan*, Case Nos. 13-2385-EL-SSO et al., Opinion and Order at 67 (Feb. 25, 2015).

² *Id.*

and who is so situated that the disposition of the proceeding may impair or impede its ability to protect that interest and whose interest is not adequately represented by an existing party.

OMAEG is a non-profit entity that strives to improve business conditions in Ohio and drive down the cost of doing business for Ohio manufacturers. OMAEG members and their representatives work directly with elected officials, regulatory agencies, the judiciary, and others: to provide education and information to energy consumers, regulatory boards and suppliers of energy; advance energy policies to promote an adequate, reliable, and efficient supply of energy at reasonable prices; and advocate in critical cases before the Commission. As consumers of significant amounts of energy in AEP's service territory, OMAEG has been involved in numerous AEP cases,³ including those concerning the BTCR.⁴ Furthermore, OMAEG's members pay the nonbypassable BTCR rates, and some members are authorized to participate in AEP's BTCR Pilot Program (Pilot class).⁵

Upon review of the application, there appears to be an error in the revenue requirement calculation that results in an overcollection. It appears that this overcollection is in line with the loss factors associated with different voltage levels of service. Since the Pilot class is billed by

³ See, e.g., *In the Matter of the Application of Ohio Power Company to Update its Basic Transmission Cost Rider*, Case No. 21-53-EL-RDR, Finding and Order (Mar. 24, 2021); *In the Matter of the Application of Ohio Power Company for an Increase in Electric Distribution Rates*, Case Nos. 20-585-EL-AIR, et al., *In the Matter of the Application of Ohio Power Company for Approval of its Temporary Plan for Addressing the COVID-19 State of Emergency*, Case Nos. 20-602-EL-UNC, et al.; *In the Matter of the Application of Ohio Power Company to Initiate its gridSMART Phase 3 Project*, Case No. 19-1475-EL-RDR; *In the Matter of the Application of Ohio Power Company for Authority to Establish a Standard Service Offer Pursuant to R.C. 4928.143, in the Form of an Electric Security Plan*, Case Nos. 16-1852-EL-SSO, et al.

⁴ See, e.g., *In the Matter of the Application of Ohio Power Company for Authority to Establish a Standard Service Offer Pursuant to R.C. 4928.143, in the Form of an Electric Security Plan*, Case Nos. 13-2385-EL-SSO et al. (the proceeding where the Commission authorized the BTCR); *In the Matter of the Application of Ohio Power Company for Authority to Establish a Standard Service Offer Pursuant to R.C. 4928.143, in the Form of an Electric Security Plan*, Case Nos. 16-1852-EL-SSO, et al., (the proceeding where the Commission authorized the establishment and expansion of the BTCR Pilot Program).

⁵ *In the Matter of the Application of Ohio Power Company for Authority to Establish a Standard Service Offer Pursuant to R.C. 4928.143, in the Form of an Electric Security Plan*, Case Nos. 16-1852-EL-SSO, et al., Opinion and Order at ¶ 96 (April 25, 2018).

their NSPL, which is partially determined by a customer's loss factor, the loss factor is already included in the billing determinant for the Pilot class. The error seems to result from incorrectly applying the loss factor a second time, resulting in an overcollection from the Pilot class. This error may result in OMAEG customers paying unreasonably high rates under the Pilot Program.

For these reasons, OMAEG has a direct, real, and substantial interest in the issues raised in this proceeding and is so situated that the disposition of these proceedings may, as a practical matter, impair or impede its ability to protect that interest. It is regularly and actively involved in Commission proceedings and, as in previous proceedings, OMAEG's unique knowledge and perspective will contribute to the full development and equitable resolution of the factual issues in this case. OMAEG's interest will not be adequately represented by other parties and its timely intervention will not unduly delay or prolong these proceedings.

As discussed above, OMAEG satisfies the criteria for intervention set out in R.C. 4903.221 and Ohio Adm. Code 4901-1-11. OMAEG, therefore, respectfully requests that the Commission grant this motion, allow OMAEG to intervene with the full powers and rights granted by the Commission to intervening parties, and make OMAEG a full party of record.

Respectfully submitted,

/s/ Kimberly W. Bojko

Kimberly W. Bojko (0069402) (Counsel of Record)

Jonathan Wygonski (100060)

Carpenter Lipps & Leland LLP

280 North High Street, Suite 1300

Columbus, Ohio 43215

Telephone: (614) 365-4100

bojko@carpenterlipps.com

wygonski@carpenterlipps.com

(willing to accept service by e-mail)

*Counsel for the Ohio Manufacturers' Association
Energy Group*

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 the case. In addition, the undersigned hereby certifies that a copy of the foregoing document also is being served via electronic mail on February 10, 2023 upon the parties listed below.

/s/ Kimberly W. Bojko
Kimberly W. Bojko

*Counsel for the Ohio Manufacturers'
Association Energy Group*

john.jones@ohioago.gov
stnourse@aep.com
ambrosia.wilson@occ.ohio.gov
angela.obrien@occ.ohio.gov

Attorney Examiner:
greta.see@puco.ohio.gov

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

2/10/2023 1:39:10 PM

in

Case No(s). 23-0057-EL-RDR

Summary: Motion to Intervene and Memorandum in Support electronically filed by
Mrs. Kimberly W. Bojko on behalf of The Ohio Manufacturers' Association Energy
Group