

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of Ohio)	Case No. 23-0023-EL-SSO
Power Company for Authority to Establish)	
A Standard Service Offer Pursuant to R.C.)	
4928.143 in the Form of an Electric Security)	
Plan.)	
)	
In the Matter of the Application of Ohio)	Case No. 23-0024-EL-AAM
Power Company for Approval of Certain)	
Accounting Authority.)	

MOTION OF OHIO ENERGY LEADERSHIP COUNCIL TO INTERVENE

Ohio Energy Leadership Council (“OLEC”)¹ respectfully moves the Public Utilities Commission of Ohio, pursuant to R.C. § 4903.221 and Ohio Adm. Code § 4901-1-11, to intervene in the above-captioned matter to address matters described in the application of Ohio Power Company (“AEP Ohio”) for approval of an electric security plan and for approval of certain accounting authority.

OLEC is a group of energy-intensive manufacturing, industrial, institutional, information technology and business customers that are proven leaders in energy markets in Ohio and across the country. Collectively, OLEC’s members annually consume many billions of kilowatt hours of electricity, and are major contributors to Ohio’s economy and employment sector. OLEC’s membership includes energy leaders in manufacturing, education, information technology, and the retail industry representing a diverse cross section of energy interests in Ohio and around the nation. OLEC seeks to promote customer-driven policies that will ensure adequate, reliable, and

¹ OLEC was previously known as Industrial Energy Users-Ohio (“IEU-Ohio”).

efficient delivery and supply of energy for all commercial and industrial customers at competitive, reasonable and transparent rates.

The grounds for OLEC's motion to intervene are set forth more fully in the accompanying memorandum in support, which is incorporated herein by reference. As explained therein, OLEC respectfully submits that it has a real and substantial interest in the issues raised in AEP Ohio's application, and that OLEC is so situated that the disposition of these proceedings without its participation may, as a practical matter, impair or impede its ability to protect that interest. OLEC further submits that its participation in these proceedings will not cause undue delay, will not unjustly prejudice any existing party, and will meaningfully contribute to the development of the record. OLEC's interests will not be adequately represented by other parties to these proceedings, and therefore, OLEC should be entitled to intervene. Accordingly, OLEC respectfully requests that its motion to intervene in these proceedings be granted.

Date: March 14, 2023

Respectfully submitted,

/s/ David F. Proaño

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**MEMORANDUM IN SUPPORT OF MOTION OF OHIO ENERGY LEADERSHIP
COUNCIL TO INTERVENE**

I. INTRODUCTION

OLEC seeks to intervene in these proceedings to defend its real and substantial interest in the issues raised in AEP Ohio’s application.

Many OLEC members are AEP Ohio customers and have a real and substantial interest in, and will be directly impacted by, the issues raised in AEP Ohio’s application. OLEC should be permitted to intervene to protect those interests, which cannot be adequately represented or protected by any other party. OLEC’s intervention will not unduly prolong or delay these proceedings, nor will it unjustly prejudice any existing party. OLEC’s intervention will meaningfully contribute to the development of the record and is in the public interest. For these reasons, OLEC’s motion should be granted.

II. LEGAL STANDARD

The Commission’s rules provide that a person “shall” be permitted to intervene in a proceeding upon a showing that:

- 1) A statute of this state or the United States confers a right to intervene.

- 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.

Ohio Adm. Code § 4901-1-11(A). The factors for evaluating whether to permit intervention under that rule are:

- 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 the full development and equitable resolution of the factual issues.
- 5) The extent to which the person's interest is represented by existing parties.

Ohio Adm. Code § 4901-1-11(B).

The Supreme Court of Ohio has held that intervention should “generally be liberally construed in favor of intervention.” *Ohio Consumers' Counsel v. Pub. Util. Comm.*, 111 Ohio St.3d 384, 2006-Ohio-5853, 856 NE.2d 940, ¶ 16 (quoting *State ex rel. Polo v. Cuyahoga Cty. Bd. Of Elections*, 74 Ohio St.3d 143, 144, 656 NE.2d 1277 (1995)). This liberal construction applies “whether or not a hearing is held,” and a party should be granted intervention when it meets the factors articulated in the rules, absent “evidence in the record calling those claims into doubt” or establishing that intervention would cause undue delay. *Id.* at ¶ 20.

III. ARGUMENT

All of the relevant factors support OLEC's motion to intervene here, and therefore, OLEC should be entitled to intervene.

First, OLEC is a group of energy-intensive manufacturing, industrial, institutional, information technology and business customers that are proven leaders in energy markets in Ohio

and across the country. Collectively, OLEC's members annually consume many billions of kilowatt hours of electricity, and are major contributors to Ohio's economy and employment sector. OLEC's membership includes energy leaders in manufacturing, education, information technology, and the retail industry representing a diverse cross section of energy interests in Ohio and around the nation. OLEC seeks to promote customer-driven policies that will ensure adequate, reliable, and efficient delivery and supply of energy for all commercial and industrial customers at competitive, reasonable and transparent rates.

Many OLEC members are AEP Ohio customers who will be directly impacted by the resolution of AEP Ohio's application. Thus, OLEC has a real and substantial interest in AEP Ohio's application.

Second, OLEC's legal position will be to advocate for adequate, reliable, and efficient delivery and supply of energy for all commercial and industrial customers at competitive, reasonable and transparent rates by AEP Ohio.

Third, OLEC's participation will not unduly prolong or delay these proceedings. The application was filed on January 6, 2023, and this motion was timely filed before the Commission's March 31, 2023 deadline for intervention.

Fourth, OLEC's participation is in the public interest, as OLEC has extensive experience and industry knowledge that can assist in the development of a full and complete record in these proceedings. OLEC's members are energy customers served by Ohio's electric utilities, including

AEP Ohio. If OLEC is not allowed to participate, the Commission and its Staff will not benefit from OLEC's perspective on issues that will materially impact OLEC's members.

Fifth and finally, OLEC's direct interest in the outcome of these proceedings cannot be represented by other parties because OLEC has a number of members who are AEP Ohio members who will be impacted by the Commission's decision in this proceeding.

Accordingly, OLEC should be permitted to intervene to assert the interests of its members who will be directly impacted by these proceedings.

IV. CONCLUSION

OLEC satisfies the "liberal" standard for intervention set forth in R.C. § 4903.221 and Ohio Adm. Code § 4901-1-11. *See Ohio Consumers' Counsel v. Pub. Util. Comm.*, 111 Ohio St.3d 384, 2006-Ohio-5853, 856 N.E.2d 940, ¶¶ 16, 20. Accordingly, OLEC respectfully requests that the Commission grant its motion.

Date: March 14, 2023

Respectfully submitted,

/s/ David F. Proaño

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CERTIFICATE OF SERVICE

I certify on this 14th day of March, 2023, that the foregoing document was filed using the Commission's Docketing Information System and was served by electronic mail on the following:

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Summary: Motion Motion to Intervene and Memorandum in Support electronically
filed by Mr. David F. Proano on behalf of Ohio Energy Leadership Council (OELC),
f/k/a Industrial Energy Users-Ohio.