

**BEFORE THE
PUBLIC UTILITIES COMMISSION OF OHIO**

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| In the Matter of the Application of Ohio Power |) | |
| Company for Authority to Abandon Electric |) | Case No. 23-0563-EL-ABN |
| Service Lines, Pursuant to Ohio Revised Code |) | |
| Sections 4905.20 and 4905.21 |) | |

MOTION TO INTERVENE OF NATIONWIDE ENERGY PARTNERS, LLC

Pursuant to Ohio Revised Code 4903.221 and Ohio Administrative Code 4901-1-11, Nationwide Energy Partners, LLC (“NEP”) moves to intervene in these proceedings as a party of record. The reasons supporting the requested intervention are contained in the accompanying Memorandum in Support. Because NEP has a real and substantial interest in the proceedings, which cannot be adequately represented by any other party, NEP respectfully requests that the Commission grant NEP’s Motion to Intervene as a party of record with the full rights and powers afforded thereto.

Respectfully submitted,

/s/ Drew B. Romig
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**MEMORANDUM IN SUPPORT OF
MOTION TO INTERVENE OF NATIONWIDE ENERGY PARTNERS, LLC**

R.C. 4903.221 and O.A.C. 4901-1-11 establish the standard for intervention in the subject proceedings as a full party of record. Rule 4901-1-11 provides in relevant part:

(A) 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.

The Public Utilities Commission should consider factors such as the nature and extent of an intervenor's interest, the extent that interest is represented by existing parties, the intervenor's potential contribution to a just and expeditious resolution of the issues involved, and whether intervention would result in an undue delay of the proceedings. These factors support the Commission's granting of NEP's request to intervene.

In this proceeding, Ohio Power Company dba AEP Ohio ("AEP Ohio") has improperly filed an application (the "Application") for abandonment "to seek the Commission's ruling under the Miller Act" with respect to whether it must provide master-metered service under its tariff to

the Fisher Commons (“Fisher Commons”) apartment complex owned by The Edwards Companies (“Edwards”) in partnership with The Ohio State University (“OSU”) (Application at ¶17).

NEP provides energy management services for property owners, managers and developers of apartment complexes and condominium buildings. On July 21, 2021, NEP and Edwards (through its subsidiary) executed a contract which designates NEP as Edwards’ agent to interface with AEP Ohio and manage the conversion of the Fisher Commons complex to master-metered service. That contract also contemplates NEP’s provision of a variety of post-conversion services to Edwards on an ongoing basis. Whether NEP and Edwards are able to perform their obligations under that contract and realize the benefits of that contract depend entirely upon AEP Ohio performing its obligations under its tariff and completing the requested conversion to master-metered service.

Under OAC Rule 4901-1-11 intervention may be permitted in a proceeding if that party has a real and substantial interest in the proceeding, and the person is so situated that the disposition of the proceeding may impair or impede his or her ability to protect that interest, unless the person’s interest is adequately represented by existing parties. The Supreme Court of Ohio has held that intervention should be liberally allowed by the Commission. *Ohio Consumers' Counsel v. Pub. Util. Comm.*, 111 Ohio St. 3d 384, 388 (Ohio 2006) (“intervention ought to be liberally allowed so that the positions of all persons with a real and substantial interest in the proceedings can be considered by the PUCO”). Furthermore, 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 proceedings.
- 4) Whether the prospective intervenor will significantly contribute to full development and equitable resolution of the factual issues.

5) The extent to which the person's interest is represented by existing parties.

NEP clearly satisfies the intervention requirements above. First, NEP has a significant interest in AEP Ohio's application, which directly challenges Edwards' right as a property owner to receive master-metered service at Fisher Commons and seeks to interfere with Edwards and NEP's contract for the performance of services related thereto. Second, the resolution of AEP Ohio's application will significantly and directly affect NEP's economic interests in seeing that its contract is performed. Third, NEP will not unduly prolong or delay the proceedings; NEP has an economic interest in seeing this matter resolved as quickly as possible. Fourth, NEP will significantly contribute to the full development and equitable resolution of the factual issues. Indeed, many of the relevant facts are solely within NEP's possession, and AEP Ohio's 5-page Application mentions NEP no less than eleven (11) times. Lastly, no other party to this proceeding is positioned to protect NEP's interest or advance its position related to AEP Ohio's application.

For the reasons set forth above, Nationwide Energy Partners, LLC respectfully requests that its Motion to Intervene be granted.

Respectfully submitted,

/s/ Drew B. Romig

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CERTIFICATE OF SERVICE

I hereby certify that the Public Utilities Commission of Ohio's e-filing system will electronically serve a copy of this filing on all parties referenced in the service list of the docket who have electronically subscribed to this case. In addition, a service copy of this filing has been served on the parties of record at the email addresses listed below on February 6, 2024.

/s/ Drew B. Romig

Drew B. Romig (0088519)

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Summary: Motion to Intervene electronically filed by Mr. Drew B. Romig on behalf
of Nationwide Energy Partners, LLC.