

**IN THE SUPREME COURT OF OHIO**

<b>In the Matter of the Complaint of</b>	)	
<b>Ohio Power Company</b>	)	<b>Case No. 2024-0029</b>
	)	
<b>v.</b>	)	<b>On Appeal from the</b>
	)	<b>Public Utilities</b>
	)	<b>Commission of Ohio</b>
<b>Nationwide Energy Partners, LLC</b>	)	<b>Case No. 21-990-EL-CSS</b>

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**MOTION OF NATIONWIDE ENERGY PARTNERS, LLC,  
FOR LEAVE TO INTERVENE AS APPELLEE**

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Nationwide Energy Partners, LLC (“NEP”) hereby respectfully moves this Court for leave to intervene in this proceeding as an appellee and in support of the Public Utilities Commission of Ohio (“PUCO”). As discussed below, NEP has a real and substantial interest in the matters that are the subject of this appeal; the disposition of this appeal may impair or impede NEP’s ability to protect that interest; and NEP’s interests are not adequately represented by existing parties.

This appeal arises from a complaint filed by Ohio Power Company against NEP, alleging that NEP was a public utility and that it was unlawfully providing public utility services within Ohio Power Company’s certified service territory. The PUCO denied Appellant’s request to intervene in the complaint case on July 27, 2022. Appellant sought rehearing of that denial on August 26, 2022, which was denied by operation of law under R.C. 4903.10 when the PUCO did not rule on Appellant’s application within thirty (30) days. On September 6, 2023, after extensive evidentiary hearings, the PUCO issued an opinion and order finding that NEP was not acting as a public utility. Appellant filed this appeal with the Court seeking reversal of the PUCO’s July 27, 2022 intervention denial and the PUCO’s September 6, 2023 order.

NEP has a real and substantial interest in this appeal. Appellant has challenged the PUCO's denial of its motion to intervene. If Appellant prevails on this issue, NEP will be forced to incur the cost of expensive and unnecessary re-litigation of the issues already decided by the PUCO. Appellant also challenges the PUCO's determination that NEP was not acting as a public utility. If Appellant prevails on this issue, NEP may be exposed to orders that prevent or limit its business operations in Ohio Power Company's certified service territory. Thus, NEP has a real and substantial interest in this proceeding that is not adequately represented by any other party. Further, as the Respondent to the underlying complaint, NEP is uniquely positioned to defend its interests and position in this matter. Accordingly, NEP requests that its Motion to Intervene as appellee in this proceeding be granted.

WHEREFORE, NEP respectfully moves this Court for leave to

intervene in this proceeding as a full party of record and as an intervening appellee in support of the Appellee, the PUCO.

Respectfully submitted on behalf of,

Nationwide Energy Partners, LLC

/s Andrew P. Guran

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## **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that, on February 23, 2024, a copy of the foregoing was served upon the following counsel of record by electronic mail:

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