

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Ohio)
Edison Company, The Cleveland Electric)
Illuminating Company and The Toledo)
Edison Company for Authority to Provide for)
a Standard Service Offer Pursuant to R.C.)
4928.143 in the Form of an Electric Security)
Plan)

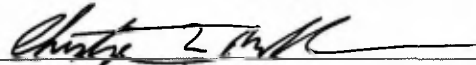
Case No. 14-1297-EL-SSO

**MOTION TO INTERVENE OF THE ASSOCIATION OF INDEPENDENT COLLEGES
AND UNIVERSITIES OF OHIO**

The Association of Independent Colleges and Universities of Ohio ("AICUO") on behalf of itself and its member institutions hereby moves the Public Utility Commission of Ohio ("Commission") to intervene as a full party of record in the above captioned proceedings pursuant to Ohio Revised Code ("R.C.") Section 4903.221 and Ohio Administrative Code ("OAC") Rule 4901-1-11. As set forth in the attached Memorandum in Support, the AICUO and its members have real and substantial interests in these proceedings which cannot be adequately represented by parties currently intervening in this proceeding. Additionally, the AICUO submits that the disposition of these proceedings will impair or impede the ability of the AICUO and its members to protect those interests. The AICUO further submits that the legal positions and issues that it will advance are relevant to the merits of these proceedings and it intends to contribute in a unique manner to the full development and equitable resolution of the proceeding. The AICUO also submits that granting this Motion will not unduly delay the proceedings or unjustly prejudice any existing party.

For these reasons, as explained more fully herein, the AICUO respectfully requests that the Commission grant its motion to intervene in the above captioned proceedings.

Respectfully Submitted,



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**MEMORANDUM IN SUPPORT OF THE MOTION TO INTERVENE OF THE
ASSOCIATION OF INDEPENDENT COLLEGES AND UNIVERSITIES OF OHIO**

I. PROCEDURAL BACKGROUND

The above captioned proceedings were initiated by Ohio Edison Company, The Cleveland Electric Illuminating Company and The Toledo Edison Company (collectively “the Companies”) on August 4, 2014. The Companies initiated these proceedings in order to obtain Commission review and approval of its Standard Service Offer (“SSO”) to be completed via the Electric Security Plan (“ESP”) proposed by the Companies (14-1297-EL-SSO).

By Entry dated August 13, 2014, the Commission established a procedural schedule for its consideration of the ESP requiring that adversely impacted parties file motions to intervene by October 1, 2014. Thus, the AICUO's submission of this Motion is timely.

II. BASIS FOR INTERVENTION

a. Standard Of Review

R.C. section 4903.221 and OAC Rule 4901-1-11 set forth the standards pursuant to which the AICUO may intervene in the above-captioned Commission proceedings. R.C. section 4903.221 confers the statutory right to intervene in a Commission proceeding to any party “who may be adversely affected by a proceeding.” Additionally, OAC Rule 4901-1-11 provides that:

Upon timely motion, any person shall be permitted to intervene in a proceeding upon a showing that: . . . [t]he 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.

Upon filing a timely motion demonstrating a real and substantial interest and upon demonstrating that the proceeding will impair or impede the ability to protect the interest, a party is entitled to an Order granting its intervention request. In determining whether a party is entitled to intervene, 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 the proceeding;
- (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.

(See R.C. 4903.221(B) and OAC 4901-1-11(B)).

b. AICUO And Its Member Institutions Have Real And Substantial Interests In This Proceeding That Cannot Be Represented By Any Other Party, And The Disposition Of These Proceedings Will Impair Those Interests.

The AICUO is composed of fifty (50) independent colleges and universities located across the state of Ohio. AICUO member institutions with campuses in the territory of the Companies include Mercy College of Northwest Ohio, Ashland University, Baldwin Wallace University, Hiram College, Lake Erie College, Case Western Reserve University, John Carroll University, Ursuline College, Defiance College, Lourdes University, University of Mount Union, Wittenberg University, and Notre Dame College. Combined, these colleges and universities serve as the home to more than 38,628 tuition paying students. In addition, these independent colleges and universities employ thousands of individuals within the territory of the Companies.

Unlike Ohio's public universities and colleges, AICUO members do not have line-items in the state budget providing funding for their operations. AICUO members are almost exclusively tuition dependent, with very few having any substantial endowment relied upon for operations. After personnel costs for faculty and staff, utility costs are among the largest of costs for all independent colleges. AICUO members make difficult decisions each year regarding tuition and constantly strive to keep the increases to a minimum, but must raise tuition sufficiently to meet rising operating expenses. The Companies' proposed ESP and corresponding modification to electric utility rates is yet another potentially increasing expense that may result in higher tuition fees if the interests of private independent colleges and universities are not adequately represented in this proceeding. Accordingly, we submit that the AICUO and its member institutions have real and substantial interests in the above captioned proceedings.

The AICUO member institutions cited herein are large users of the Companies' electric utility service. The rate modification as well as the change in the terms and conditions under which electric utility service will be offered will have an adverse impact on the AICUO and its member institutions.

Additionally, the load characteristic of the AICUO membership is as diverse as the membership of the organization. The AICUO membership includes research universities, traditional liberal arts colleges, comprehensive universities, single-purpose institutions, and religiously affiliated colleges. Early morning and afternoon usage may be high at certain institutions while late evening and night usage may be high at others. These factors should be considered in setting electric utility rates and no party currently admitted as an intervenor in these proceedings will represent the interests of the AICUO and its member institutions. As a

result, those interests will be impaired if the AICUO is not admitted as an intervenor in these proceedings.

Furthermore, the AICUO has been before this Commission in separate rate matters, and the AICUO's intervention will not unduly prolong or delay the proceedings before the Commission in this case. Rather, the AICUO seeks to protect the interests of its member colleges and will do so efficiently and expeditiously.

III. CONCLUSION

For the reasons set forth above, the AICUO on behalf of its self and its member institutions respectfully requests that the Commission grant its motion to intervene in the above-captioned proceedings.

Respectfully Submitted,



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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Motion to Intervene was served upon the parties of record listed below this 5th day of September, 2014 via electronic mail.



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Summary: Motion Motion to Intervene of the Association of Independent Colleges and Universities of Ohio and Memorandum in Support electronically filed by Mr. Christopher L. Miller on behalf of The Association of Independent Colleges and Universities of Ohio