

**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 |) | Case No. 14-1297-EL-SSO |
| for a Standard Service Offer Pursuant to |) | |
| R.C. 4928.143 in the Form of an Electric |) | |
| Security Plan |) | |

MOTION TO INTERVENE OF DYNEGY INC.

Dynegy Inc. (“Dynegy”) respectfully moves the Public Utilities Commission of Ohio (the “PUCO”) to grant it leave to intervene in Case No. 14-1297-EL-SSO pursuant to Ohio Revised Code Section 4903.221 and Ohio Administrative Code Rule 4901-1-11. On August 4, 2014, Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company filed an application for a standard service offer (“SSO”) as an electric security plan (“ESP”) to provide electricity to customers in a specific service territory until May 31, 2019.

Dynegy requests the opportunity to intervene as a party in the above-captioned proceeding. As the following memorandum demonstrates, Dynegy has a real and substantial interest in the proceeding, which may negatively be affected by the continuation of the proceeding without Dynegy as a party. In addition, this interest is not adequately represented by another party. Further, Dynegy’s intervention will not unduly delay the proceeding and Dynegy will significantly contribute to resolving the factual issues present.

Respectfully submitted,

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**MEMORANDUM IN SUPPORT OF
MOTION TO INTERVENE OF DYNEGY INC.**

Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company (collectively, the “Companies”) filed an application under Ohio Revised Code Section 4928.141 for a standard service offer (“SSO”) in the form of an electric security plan (“ESP”). The Public Utilities Commission of Ohio (the “PUCO”) established October 1, 2014 as the deadline for intervention of interested parties in the proceeding.

Dynegy Inc. (“Dynegy”) desires, and is entitled, to intervene in this proceeding pursuant to Ohio Revised Code Section 4903.221 and Ohio Administrative Code Rule 4901-1-11.

Dynegy maintains a real and substantial interest in the proceeding. Dynegy recently entered into an agreement with affiliates of Duke Energy Corporation (“Duke Energy”) to purchase a number of Duke Energy’s power plants located within Ohio. The deal is anticipated to close by the end of 2014 or early 2015. As many of these plants are located throughout the territories that are at issue in the above-captioned proceeding and the negative economic impacts that would occur were the application as filed granted, Dynegy possesses a real and substantial interest that could be adversely affected by the proceeding.

O.A.C. Rule 4901-1-11(B) and R.C. § 4903.221(B) provide the following factors for the PUCO to consider when ruling upon an application to intervene:

- (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; and
- (4) Whether the prospective intervenor will significantly contribute to the full development and equitable resolution of the factual issues.

Further, the Ohio Supreme Court has stated that “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.”¹

Dynegy satisfies all these factors in favor of permitting intervention. First, Dynegy's interest in protecting its future power plants and their revenue is extensive. This proceeding could negatively affect Dynegy's pricing strategy as relied upon when it contracted with Duke Energy for the Ohio power plants. Second, Dynegy's legal interests cannot adequately be represented by the current parties as its interests are specific to its future ownership in the power plants mentioned; other parties are incapable of protecting Dynegy's unique interests. Third, Dynegy's admittance into the proceedings will not unduly delay the proceedings. Fourth, Dynegy will significantly contribute to the development, and ultimate resolution, of the factual issues. Ohio Supreme Court precedent further supports the grant of Dynegy's Motion.

For the reasons outlined above, Dynegy respectfully requests that the PUCO grant its Motion to Intervene.

¹ *Ohio Consumers' Counsel v. Pub. Util. Comm.*, (2006) 111 Ohio St.3d 384, 388.

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Motion to Intervene and Memorandum in Support of the Motion to Intervene was served this 25th day of September, 2014.

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This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

9/25/2014 2:16:25 PM

in

Case No(s). 14-1297-EL-SSO

Summary: Motion Motion to Intervene of Dynegy Inc. electronically filed by Michael J Gabrail on behalf of Dynegy Inc.