

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Ohio)
Edison Company, The Cleveland Electric) Case No. 14-1297-EL-SSO
Illuminating Company and The Toledo)
Edison Company for Authority to Provide)
a Standard Service Offer Pursuant to R.C.)
§ 4928.143 in the Form of an Electric)
Security Plan.)

**JOINT MOTION TO INTERVENE
BY
THE NORTHWEST OHIO AGGREGATION COALITION
AND INDIVIDUALLY
BY ITS MEMBER COMMUNITIES:
THE CITY OF TOLEDO, THE LUCAS COUNTY BOARD OF
COMMISSIONERS, THE CITY OF PERRYSBURG, THE LAKE TOWNSHIP
BOARD OF TRUSTEES, THE CITY OF MAUMEE, THE CITY OF OREGON,
THE CITY OF NORTHWOOD, THE VILLAGE OF WATERVILLE, THE
VILLAGE OF OTTAWA HILLS, PERRYSBURG TOWNSHIP AND THE
VILLAGE OF HOLLAND**

The Northwest Aggregation Coalition (NOAC) and the City of Toledo, the Lucas County Board of Commissioners, the City of Perrysburg, the Lake Township Board of Trustees, the City of Maumee, the City of Oregon, the City of Northwood, the Village of Waterville, the Village of Ottawa Hills, Perrysburg Township, and the Village of Holland (the Individual Communities) all move to intervene in this case. Each of the Individual Communities is an opt out aggregator for electric services and are members of NOAC.¹

In this matter, the Ohio Edison Company, the Cleveland Electric Illuminating Company, and the Toledo Edison Company (collectively, “Companies” or “FirstEnergy”)

¹ The City of Oregon and Perrysburg Township are also members of NOAC.

proposes and Electric Security Plan (“ESP”) which they refer to as “ESP4”. The Individual Communities and NOAC are all in northwest Ohio, which is the territory of the Toledo Edison Company. Until recent years the Toledo Edison charged some of the highest electric rates, not just in Ohio but in the entire United States. As a result our customers, our businesses, and our communities suffered.

ESP4 will affect the rates that all consumers pay. These consumers include tens of thousands of residential and small business customers in NOAC and the individual governmental aggregations. Plus, the Individual Communities themselves purchase significant electricity for governmental functions. Important economic mainstays of our communities, mid-size and larger commercial industries consumers, and business development will be affected. Without our participation in these proceedings, NOAC and the Individual Communities rights and interests will be adversely affected.

The reasons the Public Utilities Commission of Ohio (“PUCO”) should grant OCC’s Motion are further set forth in the attached Memorandum in Support.

Respectfully submitted,

/s/ Thomas R. Hays

Thomas R. Hays, Counsel for Lucas County
And Counsel of Record
Filing for all parties

/s/ Leslie Kovacik

Leslie Kovacik, Counsel for City of Toledo
And Counsel of Record
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MEMORANDUM IN SUPPORT

On August 4, 2014, FirstEnergy filed its fourth ESP for charging a standard service offer to Ohio residential consumers and businesses under R.C. 4928.143. In its plan, FirstEnergy seeks among other things to establish a standard service offer and implement a number of riders which will be charged to customers for electric service.

R.C. 4903.221 provides, in part, that any person “who may be adversely affected” by a PUCO proceeding is entitled to seek intervention in that proceeding. The interests of NOAC and its residential and small business customers may be “adversely affected” by this case. This proceeding will affect the electric rates NOAC’s customers will pay and will affect NOAC’s ability to obtain reasonably priced electricity.

The interests of the Individual Communities include NOAC’s interest, as each community is individually a governmental opt out aggregator. But also,, the Individual Communities are substantial electric consumers. The Individual Communities strongly promote economic development and electric rates are crucial in retaining and attracting industry and businesses. The mid-size and larger businesses are mainstays of our communities and the rates they pay are a vital concern. For many years, until recently, the

Toledo Edison territory where we are located charged some of the highest electric rates in the country and we directly experienced the severe negative impact of uncompetitive rates. We have a vital concern in insuring that we finally achieve truly competitive rates. Thus, this element of the intervention standard in R.C. 4903.221 is satisfied because in sum, ESP4 will greatly impact NOAC and its Individual Communities.

R.C. 4903.221(B) requires the PUCO to consider the following criteria in ruling on motions 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 proceeding; and
- (4) Whether the prospective intervenor will significantly contribute to the full development and equitable resolution of the factual issues.

First, the nature and extent of NOAC's and the Individual Communities interests include the interests of our aggregation customers and our interests as aggregators, our interests as substantial electric consumers, and our interests in the business development and retention, and the economic wellbeing of our communities. These interests are very different than that of the utility whose advocacy includes the financial interest of stockholders.

Second, NOAC and the Individual Communities advocacy for customers will include advancing the position "rates should be no more than what is reasonable and lawful under Ohio law, for service that is adequate under Ohio law". Our prospective and knowledge of local conditions is unparalleled and will contribute to a full understanding

of such issues. We also represent the bulk of both businesses and citizens in the Toledo Edison territory. Our position is therefore directly related to the merits of this case.

Third, our intervention will not unduly prolong or delay the proceedings. We have participated in many PUCO proceedings of the PUCO involving Toledo Edison/First Energy. This includes full participation in Toledo Edison/FirstEnergy's's prior ESP cases. Our experience and knowledge this will allow for the efficient processing of the case with consideration of the public interest.

Fourth, our intervention will significantly contribute to the full development and equitable resolution of the factual issues. We will obtain and develop information that the PUCO should consider for equitably and lawfully deciding the case in the public interest that we, as local governments, experience every day from ground level.

Ohio Adm. Code 4901-1-11(B)(5) states that the PUCO shall consider "The extent to which the person's interest is represented by existing parties." NOAC and the Individual communities are each located solely in the Toledo Edison area of service. No other parties will as adequately represent the interests of Northwest Ohio and the unique challenges it faces. No other parties can represent the broad interests in each of our local communities.

NOAC and the Individual Communities clearly meet the criteria set forth in R.C. 4903.221 and Ohio Adm. Code 4901-1-11. In Toledo Edison/First Energy's previous ESPs, NOAC has fully participated establishing. This is a precedent for our intervention here. Our goal is to be helpful in understanding these complex issues and their impacts on consumers and our communities.

We respectfully request that the PUCO grant our Motion to Intervene.

Respectfully submitted on behalf of NOAC

and each Individual Community,

/s/ Thomas R. Hays

Thomas R. Hays, Counsel for Lucas County
and Counsel of Record

/s/ Leslie Kovacik

Counsel for the City of Toledo
and Counsel of Record

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CERTIFICATE OF SERVICE

I hereby certify that a copy of this *Motion to Intervene* was served on the persons stated below *via* electronic transmission, this 26th day of September 2014 on behalf of NOAC and the Individual Communities.

/s/ Thomas Hays
Thomas Hays
Counsel for Lucas County

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

Summary: Motion Joint Motion to Intervene and Memorandum In Support filed by the Northwest Ohio Aggregation Coalition (NOAC), the City of Toledo, the Lucas County Board of Commissioners, the City of Northwood, the City of Sylvania, the City of Maumee, the Village of Waterville, the Village of Holland, the Village of Ottawa Hills, and the Lake Township Board of Trustees electronically filed by Mr. Thomas R. Hays on behalf of NOAC and Lucas County Board of Commissioners and City of Toledo and City of Sylvania and Village of Ottawa Hills and City of Perrysburg and City of Northwood and City of Maumee and The Village of Holland and The Village of Waterville