

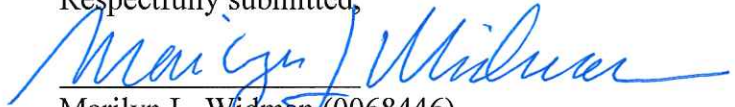
BEFORE THE
PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of Ohio)	
Edison Company, The Cleveland Electric)	
Illuminating Company and The Toledo)	Case No. 14-1297-EL-SSO
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)	

**MOTION TO INTERVENE OF THE INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS LOCAL 245**

Pursuant to Ohio Revised Code § 4903.221 and O.A.C. 4901-1-11, the International Brotherhood of Electrical Workers, Local 245 ("IBEW Local 245") hereby moves to intervene in these proceedings. IBEW Local 245 has a number of real and substantial interests in these proceedings, and its interests, which may be prejudiced by the results of these proceedings, are not adequately represented by existing parties. Thus, as set forth more fully in the attached memorandum in support, IBEW Local 245 respectfully requests the Commission to grant this timely request to intervene.

Respectfully submitted,



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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)	Case No. 14-1297-EL-SSO
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**MEMORANDUM IN SUPPORT OF MOTION TO INTERVENE BY THE
INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS LOCAL 245**

I. Introduction

In the Application of Ohio Edison Company, The Cleveland Electric Illuminating Company and The Toledo Edison Company (“FirstEnergy”) for Authority to Establish a Standard Service Offer Pursuant to Revised Code § 4928.143, in the Form of an Electric Security Plan (the “Application”), FirstEnergy seeks to establish a new standard service offer. FirstEnergy’s “Powering Ohio’s Progress” plan significantly impacts the method in which Standard Service Offer (“SSO”) customers will be served. These impacts include, without limitation, continued distribution enhancements, upgrades to system reliability, and an Economic Stability Program intended to stabilize prices and encourage economic development in Ohio. The manner in which the Powering Ohio’s Progress plan is implemented could significantly affect IBEW Local 245 as a purchaser of electricity and IBEW Local 245 members, including both shopping and non-shopping customers, who work in energy distribution capacities. IBEW Local 245 accordingly has a real and substantial interest in this proceeding, and the Commission’s disposition of this proceeding may impair or impede IBEW Local 245’s ability to

protect that interest. Thus, IBEW Local 245 respectfully requests the Commission to grant its motion to intervene in this proceeding.

II. Legal Standard

R.C. § 4903.221 provides that any “person who may be adversely affected by a public utilities commission proceeding” may intervene in the proceeding. The Commission’s own rules reinforce the right to intervene:

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.

O.A.C. 4901-1-11(A) (emphasis added). “The regulation’s text is very similar to Civ. R. 24 – the rule governing intervention in civil cases in Ohio – which is generally liberally construed in favor of intervention.” *Ohio Consumers’ Counsel v. Pub. Util. Comm.*, 111 Ohio St.3d 384, 387 (2006) (internal quotations omitted). In considering a motion to intervene, the Commission’s rule directs that the Commission should consider: the nature and extent of the intervenor’s interest; the legal position advanced by the intervenor and its probable relation to the merits of the case; whether intervention will unduly prolong or delay the proceedings; whether the intervenor will significantly contribute to full development and equitable resolution of the factual issues; and the extent to which the intervenor’s interest is represented by existing parties. *See* O.A.C. 4901-1-11(B) (1)-(5); *see also* R.C. § 4903.221(B) (1)-(4). IBEW Local 245’s motion to intervene satisfies each of these factors.

III. Argument

A. The Nature And Extent Of IBEW Local 245's Interest

IBEW Local 245 is a labor organization representing electrical workers throughout Ohio. IBEW Local 245 is also a party to a collective bargaining agreement with FirstEnergy. Accordingly, IBEW Local 245 members' interests regarding wages, benefits, and terms and conditions of employment will be directly impacted by the outcome of the Application. IBEW Local 245 is also impacted by the Powering Ohio's Progress Plan on behalf of their members as customers of FirstEnergy. This indirect impact affecting IBEW Local 245 members includes, among other things, continued distribution enhancements, upgrades to system reliability, and an Economic Stability Program intended to stabilize prices and encourage economic development in Ohio as part of the Powering Ohio's Progress Plan. As such, IBEW Local 245 has a substantial interest in the outcome of this proceeding and in ensuring that the Powering Ohio's Progress Plan is established appropriately. That interest cannot be represented by any other party to this proceeding, as no other party to this proceeding represents IBEW Local 245's interest as a customer and on behalf of its members.

B. The Legal Position Asserted By IBEW Local 245

IBEW Local 245 supports FirstEnergy's proposed distribution system enhancements, the rate stability provided by the Economic Stability Program, and the economic development and low-income proposals made by FirstEnergy. However, the specific details regarding how the Powering Ohio's Progress Plan is implemented may have a significant impact on IBEW Local 245 and its members. As such, IBEW Local 245 seeks to intervene to ensure that FirstEnergy's ESP is implemented in an orderly manner consistent with all relevant legal principles, some of which are unique to IBEW Local 245's representative status of its members.

C. IBEW Local 245's Intervention Will Not Unduly Prolong or Delay the Proceedings

The Application was filed on August 4, 2014. Motions to intervene are due by October 1, 2014.¹ As a result, IBEW Local 245's Motion to Intervene is timely and will not prejudice any existing parties or unduly prolong or delay the proceedings.²

D. IBEW Local 245 Will Contribute To The Full Development Of Factual Issues And IBEW Local 245's Interests Are Not Already Represented By Existing Parties.

IBEW Local 245 is uniquely situated to contribute to the full development of factual issues on behalf of their members. IBEW Local 245 has experience in Commission proceedings, which experience may benefit the Commission's review of FirstEnergy's Powering Ohio's Progress Plan. IBEW Local 245's participation will significantly contribute to the full development and resolution of the issues raised by FirstEnergy's Powering Ohio's Progress Plan.

IBEW Local 245's interests are not already represented by existing parties, as no other party currently involved in this proceeding currently represents IBEW Local 245's interests as a customer and a collective bargaining agent for its members.

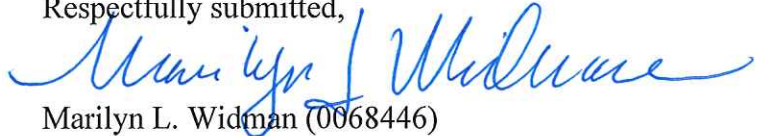
IV. Conclusion

WHEREFORE, IBEW Local 245 respectfully requests that the Commission grant this Motion to Intervene and allow IBEW Local 245 to be made a party of record to this proceeding.

¹ See Entry dated August 13, 2014.

² See O.A.C. 4901:1-11(E) (providing that a motion to intervene "will not be considered timely if it is filed later than five days prior to the scheduled date of hearing or any specific deadline established by order of the commission for purposes of a particular proceeding").

Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing *Motion to Intervene of IBEW Local 245* was served this 29th day of September, 2014, via regular U.S mail, first class postage prepaid, upon the parties below.



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Summary: Motion Motion to Intervene with Memo in Support electronically filed by Ms. Marilyn L Widman on behalf of IBEW Local 245