

**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)	Case No. 14-1297-EL-SSO
Provide for a Standard Service Offer)	
Pursuant to §4928.143, Ohio Rev. Code, in)	
the Form of an Electric Security Plan.)	

**MOTION TO INTERVENE AND MEMORANDUM IN SUPPORT
BY
THE COUNCIL OF SMALLER ENTERPRISES (COSE)**

Pursuant to Section 4903.221 of the Ohio Revised Code (R.C.) and Rule 4901-1-11 of the Ohio Administrative Code (O.A.C.), the Council of Smaller Enterprises (“COSE”) hereby moves to intervene in the above captioned proceeding. The issues in this proceeding involved the Commission’s review of the proposed Standard Service Offer (SSO) by Ohio Edison Company, The Cleveland Electric Illuminating Company, and the Toledo Edison Company (together, “The Companies” or “FirstEnergy”). COSE has a real and substantial interest in this proceeding, and is so situated that the disposition of this proceeding may, as a practical matter, impair or impede its ability to protect that interest. Further, COSE's interest in this proceeding is not represented by any existing party, and its participation in this proceeding will contribute to a just and expeditious resolution of the issues involved without unduly delaying the proceeding or unjustly

prejudicing any existing party. For the reasons more fully explained in the attached memorandum, COSE respectfully requests that the Commission grant this request to intervene.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Matt Cox", written in a cursive style.

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MEMORANDUM IN SUPPORT

I. Background

COSE, The Council of Smaller Enterprises connects small businesses with the resources and expert advice they need to grow. For over 40 years, COSE has been a voice for small business. COSE is Ohio's largest small business support organization and one of the largest metropolitan chambers of commerce in the nation serving more than 14,000 members with an additional reach to 30,000 small businesses through our local chamber partners. COSE provides cost-effective group purchasing programs, advocacy on legislative and regulatory issues, and networking and educational resources to help Ohio's small businesses grow.

For nearly 15 years, COSE has been a provider of electricity savings options to small and mid-sized businesses in the FirstEnergy Corp. service territories and is registered with the Public Utilities Commission of Ohio as a Competitive Retail Electric Service Provider. COSE started in the effort to support small business energy purchasing with the initiation of Ohio's Conjunctive Electric Service offering in 1999. Over the last thirteen years, we have continued to evolve our work with energy through a number of market support generation and retail choice programs and initiatives. Over time, COSE has grown its energy program to a block of more than 300 Megawatts of aggregated small business and residential combined electric load for approximately 5,100 commercial and residential accounts.

Since the enactment of Senate Bill 221, COSE recognized the need for small businesses to engage in energy efficiency and alternative energy technologies. COSE has since developed programs to educate and engage small business owners on the use and advantages of energy efficiency and alternative energy technologies within their work places. In addition, COSE has

engaged small businesses to understand in the importance of implementing energy efficiency and demand reduction programs within their businesses and provided them the pathway to achieve energy efficiency goals

COSE's interests in its electric aggregation program, and energy efficiency programs are wholly reliant on COSE's participation in this proceeding and its outcome. Further, not only does COSE satisfy the underlying statutory test for intervention in Commission proceedings, it also satisfies the standards governing intervention set forth in the Commission's rules.

II. Legal Authority

For purposes of considering a request for leave to intervene in a Commission proceeding, Rule 4901-1-11(A), OAC, provides, in pertinent part, as follows:

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

(2) The 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 ability to protect that interest, unless the person's interest is adequately represented by existing parties.

Further, Section 4903.221(B), Revised Code and OAC Rule 4901-1-11(B), provide that the Commission, in ruling upon applications to intervene in its proceedings, shall consider the following criteria:

- (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.
- (4) Whether the prospective intervenor will significantly contribute to the full development and equitable resolution of the factual issues.
- (5) The extent to which the person's interest is represented by existing parties.

III. Argument

COSE clearly meets the requirements for intervention as outlined above. Because of its interest in providing its energy and energy efficiency and demand reduction programs to current and future members in FirstEnergy's service territory, COSE has a real and substantial interest in these proceedings. Additionally, without appropriate consideration of small commercial users, small businesses could be faced with higher energy costs.

As a true representative of small businesses, COSE's knowledge will assist the Commission in considering the issues in this case and, accordingly, COSE's participation will positively contribute to the full development and equitable resolution of the issues as they relate to small commercial customers. No other party participating in this case is able to adequately represent the needs of COSE as an organization, its members or small commercial users as a whole. Accordingly, COSE welcomes the ability to share their program experiences and unique small business perspectives with the Commission as it works with FirstEnergy and others to develop effective outcomes for this case.

COSE submits that no current party represents its interests, and disposition of this proceeding without COSE's participation will impair and impede its ability to advance and protect its interests as well as the interests of small commercial users in the State.

IV . Conclusion

Given the diverse and unique energy needs of its current and future members, and in order to protect the interests of small commercial customers in the state, COSE states that it has a direct, real and substantial interest in the issues in this matter, which can only be protected by its participation. COSE respectfully requests that the Commission grant its motion to intervene with the full powers, rights and privileges granted by the Commission, by statute and by the provisions of the Ohio Administrative Code, to intervening parties.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing document was served this 30th day of October 2014 via electronic mail on the following persons.

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Summary: Motion to Intervene and Memorandum in Support electronically filed by Mr. Matthew R Cox on behalf of Council of Smaller Enterprises (COSE)