

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

**NORTHEAST OHIO PUBLIC ENERGY COUNCIL’S
MOTION TO INTERVENE**

Pursuant to Ohio Revised Code Section (“R.C.”) 4903.221 and Ohio Administrative Code (“OAC”) Rule 4901-1-11, the Northeast Ohio Public Energy Council (“NOPEC”) respectfully requests that the Public Utilities Commission of Ohio (“Commission”) grant NOPEC’s motion to intervene in this proceeding. The Public Utilities Commission of Ohio (the “Commission”) should grant the motion to intervene because NOPEC has a real and substantial interest in this proceeding, and the Commission’s disposition of this proceeding may impair or impede NOPEC’s ability to protect that interest. NOPEC believes that its participation will not unduly prolong or delay this proceeding, and it will contribute to the full development and equitable resolution of the issues in this proceeding. NOPEC’s interests also will not be adequately represented by other parties to this proceeding.

The reasons supporting NOPEC’s intervention are contained in the accompanying Memorandum in Support.

Respectfully submitted,



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**MEMORANDUM IN SUPPORT OF
THE NORTHEAST OHIO PUBLIC ENERGY COUNCIL’S
MOTION TO INTERVENE**

On August 4, 2014, the Ohio Edison Company (“OE”), The Cleveland Electric Illuminating Company (“CEI”), and Toledo Edison Company (“TE”) (collectively “FirstEnergy”) filed an application for approval of its fourth electric security plan (“ESP 4”).

NOPEC is a regional council of governments established under Chapter 167 of the Ohio Revised Code, and is the largest governmental retail energy aggregator in the State of Ohio. Comprised of approximately 174 communities in the ten (10) northeast Ohio counties of Ashtabula, Lake, Geauga, Cuyahoga, Summit, Lorain, Medina, Trumbull, Portage, and Huron. NOPEC provides governmental electric aggregation service to approximately 500,000 retail electric customers in NOPEC member communities located in the service territories of CEI and OE.

R.C. 4903.221(B) and OAC Rule 4901-1-11(A)(2) govern intervention in Commission proceedings. Substantially similar in substance, these provisions explain that the Commission may consider the following in determining whether to grant intervention:

- (1) The nature and extent of the person's interest;¹
- (2) The legal position of the person seeking intervention and its relation to the merits of the case;²
- (3) Whether intervention would unduly delay the proceeding or unjustly prejudice any existing party;³
- (4) The person's potential contribution to full development and equitable resolution of the issues involved in the proceeding;⁴ and
- (5) The extent to which the person's interest is represented by existing parties.⁵

Consistent with these requirements, NOPEC has a real and substantial interest in the above-captioned proceeding, and the legal issues NOPEC intends to raise directly relate to the merits of this case. As the largest governmental retail energy aggregator in the State of Ohio, NOPEC is uniquely positioned to represent the interests of both large-scale governmental aggregators and the approximately 500,000 retail electric customers participating in NOPEC's aggregation within NOPEC member communities. Disposition of this proceeding without NOPEC's participation will impair or impede its ability to protect these unique interests.

Granting NOPEC's motion to intervene will not unduly delay these proceedings or unjustly prejudice any existing party because NOPEC is filing this motion prior to the deadline for filing motions to intervene set forth in the Commission's entry in this case issued on August 13, 2014. NOPEC will work cooperatively with others in the case in order to maximize case efficiency where practical, but without compromising NOPEC's unique position as a large-scale governmental aggregator.

¹ RC 4903.221(B)(1) and OAC Rule 4901-1-11(B)(1).

² RC 4903.221(B)(2) and OAC Rule 4901-1-11(B)(2).

³ RC 4903.221(B)(3) and OAC Rule 4901-1-11(B)(3).

⁴ RC 4903.221(B)(4) and OAC Rule 4901-1-11(B)(4).

⁵ OAC Rule 4901-1-11(B)(5).

NOPEC's intervention and involvement in this case will contribute to the development of a more complete understanding of the meaning and impact of the ESP 4 on both large scale governmental aggregators and the approximately 500,000 retail electric customers served in NOPEC's governmental aggregation. NOPEC was granted intervention in each of FirstEnergy's prior electric security plan cases (Case No. 08-0935-EL-SSO, 10-388-EL-SSO, and 12-1230-EL-SSO).

Finally, based upon its unique status as the largest governmental aggregator in the State of Ohio, NOPEC submits that no current party represents its interests.

WHEREFORE, and for the reasons set forth above, NOPEC respectfully requests that the Commission grant its motion to intervene.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served upon the following parties of record by e-mail and/or regular U.S. mail, this 30th day of September 2014.



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Summary: Motion to Intervene of The Northeast Ohio Public Energy Council electronically filed by Teresa Orahod on behalf of Glenn S. Krassen