

**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. )**

**JOINT MOTION TO INTERVENE OF  
EXELON GENERATION COMPANY, LLC AND  
CONSTELLATION NEWENERGY, INC.**

Now come Exelon Generation Company, LLC and Constellation NewEnergy, Inc. (jointly "Exelon"), who, pursuant to Section 4903.221, Revised Code, and Rule 4901-1-11 of the Ohio Administrative Code, move for intervention in the above-styled proceeding as full parties of record. The reasons supporting the intervention are contained in the accompanying Memorandum in Support.

WHEREFORE, Exelon respectfully requests that the Commission grant this joint motion to intervene and that Exelon be made a full party of record.

Respectfully Submitted,



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**MEMORANDUM IN SUPPORT OF THE JOINT MOTION BY INTERVENE OF  
EXELON GENERATION LLC AND CONSTELLATION NEWENERGY, INC.**

Exelon Generation LLC and Constellation NewEnergy, Inc. (jointly “Exelon”) are affiliates of Exelon Corp. Exelon Generation LLC owns or controls approximately 35,000 megawatts of generating capacity nationwide. Exelon Generation LLC is an active supplier in the PJM Regional Transmission Organization system. Exelon Generation LLC has participated as a bidding supplier in several of the standard service auctions conducted for electric distribution utilities in Ohio, and currently is a bid-winning supplier for several Ohio electric distribution utilities. Constellation NewEnergy, Inc. provides electricity and/or energy-related services to retail customers in Ohio as well as in every other state in the continental U.S. and the District of Columbia, serving more than 150,000 business customers and one million residential customers nationwide. CNE holds a certificate as a competitive retail electric service (“CRES”) provider from the Commission to engage in the competitive sale of electric service to retail customers in Ohio and actively serves commercial, industrial and residential customers in Ohio. Exelon Generation LLC and Constellation NewEnergy, Inc. seek to intervene jointly in order to protect their interest in the wholesale and retail energy market in Northern Ohio. Exelon has actively participated in previous FirstEnergy Electric Security Plan (“ESP”) and Market Rate Offer proceedings, including ESP plans which were stipulated and those which were fully litigated.

Section 4903.221, Revised Code and Rule 4901-1-11 of the Ohio Administrative Code, establish the standard for intervention in the above-styled proceeding as a full party of record. Rule 4901-1-11(A)(2) of the Ohio Administrative Code states in part:

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 or her ability to protect that interest, unless the person's interest is adequately represented by existing parties.

In the application in the matter at bar, Ohio Edison Company, The Cleveland Electric Illuminating Company and The Toledo Edison Company (collectively "FirstEnergy") request the Commission to approve a new ESP ("ESP IV") pursuant to Section 4928.141, Revised Code. FirstEnergy proposes to implement ESP IV to provide default generation service pricing for the period June 1, 2016 through May 31, 2019. According to FirstEnergy, it will acquire the competitive generation supply for its ESP IV plan by conducting a series of competitive bid auctions. Exelon Generation LLC, as a potential bidder and supplier for such auctions, has a unique interest in the application in general, and specifically in the proposed bidding rules, master supply agreement and the proposed dates and volumes covered by the series of the proposed auctions, often referred to as the laddering and staggering.

The FirstEnergy application also contains a novel economic stability program that will be implemented via a 15-year non-bypassable rider ("Rider RRS"). Rider RRS will have a direct impact on the wholesale market as certain prior FirstEnergy generation facilities will receive cost recovery for generating and supply power, if approved. Similarly, Rider RRS will affect the retail market as all customers, including shopping customers will bear responsibility for this cost recovery.

As noted above, Exelon has business interests in the State that will be directly affected by the outcome of this proceeding. As a potential supplier of competitive electric services to retail customers in the FirstEnergy service territory and default wholesale generation for ESP IV,

Exelon has an interest which meets the criteria of Section 4903.221, Revised Code, and Rule 4901-1-11 of the Ohio Administrative Code.

Finally, this motion for intervention precedes the intervention deadline, and is in accordance with the current procedural schedule.

WHEREFORE, Exelon respectfully requests that the Commission grant this motion to intervene and that Exelon be made a full party of record. For purposes of receiving service in the proceeding, in addition to the undersigned, Exelon requests that the following persons be placed on the official service list:

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## CERTIFICATE OF SERVICE

The Public Utilities Commission of Ohio's e-filing system will electronically serve notice of the filing of this document on the parties referenced on the service list of the docket card who have electronically subscribed to the case (those individuals are marked with an asterisk below). In addition, the undersigned certifies that a courtesy copy of the foregoing document is also being served (via electronic mail) on this 1<sup>st</sup> day of October 2014 upon all persons/entities listed below:



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Summary: Motion Joint Motion to Intervene electronically filed by M HOWARD PETRICOFF on behalf of Exelon Generation Company, LLC and Constellation NewEnergy, Inc.