

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

**In the Matter of the Commission's
Investigation of the Financial Impact of the
Tax Cuts and Jobs Act of 2017
On Regulated Ohio Utility Companies**

Case No. 18-0047-AU-COI

**JOINT MOTION TO INTERVENE AND MEMORANDUM IN SUPPORT
BY
THE NORTHWEST OHIO AGGREGATION COALITION**

**AND BY
ITS MEMBER COMMUNITIES:
THE LUCAS COUNTY BOARD OF COMMISSIONERS, LAKE TOWNSHIP,
PERRYSBURG TOWNSHIP, THE CITY OF TOLEDO, THE CITY OF
PERRYSBURG, THE CITY OF MAUMEE, THE CITY OF OREGON,
THE CITY OF NORTHWOOD, THE CITY OF WATERVILLE, THE CITY
OF SYLVANIA, THE CITY OF ROSSFORD, THE VILLAGE OF DELTA,
THE VILLAGE OF OTTAWA HILLS, THE VILLAGE OF HOLLAND, AND
THE VILLAGE OF WALBRIDGE**

The Northwest Aggregation Coalition (NOAC) and the fifteen NOAC Communities listed above move to formally intervene in the above captioned matter. The fifteen Member Communities are each an opt-out aggregator for electric and a member of NOAC. Collectively, the fifteen Member Communities have over 130,000 residential participants and over 10,000 small business participants. The Member Communities themselves are also large users of electricity. Electric rates are a very important component to many other aspects of the communities' well-being; for example, economic development.

The Public Utilities Commission of Ohio “opened the above-captioned Commission-ordered investigation (COI) in order to study the impacts of the TCJA on the Commission's jurisdictional rate-regulated utilities and determine the appropriate course of action to pass benefits on to ratepayers.” (Second Order on Rehearing, Paragraph 3). In the initial Entry on January 10, 2018, the Commission asked Ohio’s Utilities and other stake holders for comments. Following the comment period, the Attorney Examiner’s February 20 Entry asked for Reply Comments.

NOAC and the NOAC Communities timely submitted both original and reply comments that supported the Commission’s efforts to ensure that all of the tax cut savings are returned to customers of the utilities. Our comments opposed the filing by FirstEnergy’s Ohio distribution utilities seeking a rehearing. The companies’ aim was to retain a substantial portion of the tax reduction. We commented that FirstEnergy’s position was unjust, unreasonable and unlawful. NOAC also commented that FirstEnergy should not be permitted to retain any funds collected from rate payers for federal income taxes that were not paid to the U.S. Treasury. Our comments urged the Commission to act promptly to require all of the tax cut savings and any money not paid to the U.S. Treasury be returned to customers.

In its April 25, 2018 Second Entry on Rehearing, the Commission granted in part and denied in part the FirstEnergy and other utilities request for a Rehearing. Given the ongoing nature of this Case and the potential impact on NOAC and the NOAC Communities, we now formally move to intervene.

We respectfully ask the Commission to grant this motion.

Respectfully submitted,

Filing for all parties:

/s/. Thomas R. Hays

Thomas R. Hays, Attorney (0054062)

Counsel of Record

Counsel for Lucas County and NOAC

8355 Island Lane

Maineville, OH 45039

419-410-7069

trhayslaw@gmail.com

/s/ Leslie Kovacik

Leslie A. Kovacik (0070157)

Counsel of Record

Counsel for the City of Toledo and NOAC

420 Madison Avenue, Fourth Floor

Toledo, Ohio 43604

419.245.1020

leslie.kovacik@toledo.oh.gov

CERTIFICATE OF SERVICE

I hereby certify that a copy of this Motion and Memorandum in Support was served electronically upon the parties listed below on May 11, 2018.

/s/ Thomas R. Hays

Thomas R. Hays
Counsel for Lucas County and NOAC

SERVICE LIST

William.wright@ohioattorneygeneral.gov

Attorney Examiner:

Megan.addison@puc.state.oh.us

cmooney@ohiopartners.org
mkurtz@bkllawfirm.com
kboehm@bkllawfirm.com
jkylercohn@bkllawfirm.com
joliker@igsenergy.com
mnugent@igsenergy.com
rocco.d'ascenzo@duke-energy.com
Jeanne.kingery@duke-energy.com
gkrassen@bricker.com
dstinson@bricker.com
whitt@whitt-sturtevant.com
campbell@whitt-sturtevant.com
glover@whitt-sturtevant.com
cdunn@firstenergycorp.com
michael.schuler@aes.com
randall.griffin@aes.com
mwhelan@egas.net
jfinnigan@edf.org
dsawmiller@nrdc.org
mleppla@theoec.org
neil.waggoner@sierraclub.org
mfleisher@elpc.org
stnourse@aep.com
cblend@aep.com
selisar@mwncmh.com
mpritchard@mwncmh.com
fdarr@mwncmh.com
sseiple@nisource.com
josephclark@nisource.com
mlozich@securustechnologies.com

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

5/11/2018 1:36:49 PM

in

Case No(s). 18-0047-AU-COI

Summary: Motion Joint Motion to Intervene and Memorandum in Support by the Northwest Ohio Aggregation Coalition (NOAC) and Individually by Its fifteen member communities electronically filed by Mr. Thomas R. Hays on behalf of NOAC and Lucas County Board of Commissioners and Lake Township Board of Trustees 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 City of Oregon and Perrysburg Township and Village of Walbridge and City of Waterville and City of Rossford and Village of Delta