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Via E-FILE

May 3, 2019

Public Utilities Commission of Ohio
PUCO Docketing
180 E. Broad Street, 10th Floor
Columbus, Ohio 43215

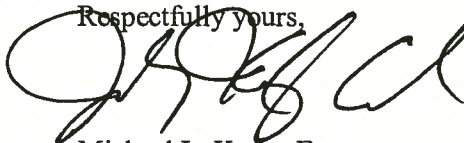
In re: Case No. 18-1191-EL-ORD

Dear Sir/Madam:

Please find attached the MOTION TO INTERVENE, MEMORANDUM IN SUPPORT AND COMMENTS OF THE OHIO ENERGY GROUP e-filed today in the above-referenced matter.

Copies have been served on all parties on the attached certificate of service. Please place this document of file.

Respectfully yours,

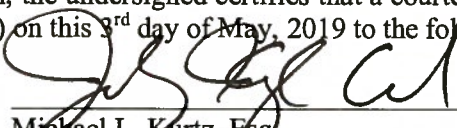
A handwritten signature in black ink, appearing to be "MLK", written over the typed name of Michael L. Kurtz.

Michael L. Kurtz, Esq.
Kurt J. Boehm, Esq.
Jody Kyler Cohn, Esq.
BOEHM, KURTZ & LOWRY

MLKkew
Attachment

CERTIFICATE OF SERVICE

In accordance with Rule 4901-1-05, Ohio Administrative Code, the PUCO'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 this case. In addition, the undersigned certifies that a courtesy copy of the foregoing document is also being served (via electronic mail) on this 3rd day of May, 2019 to the following:



Michael L. Kurtz, Esq.
Kurt J. Boehm, Esq.
Jody Kyler Cohn, Esq.

*Spencer, Ken Mr.
Armstrong & Okey, Inc.
222 East Town Street, 2nd Floor
Columbus OH 43215

*Chilcote, Heather A
Public Utilities Commission of Ohio
180 East Broad Street Columbus
Ohio OH 43215

**BEFORE THE
PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Commission's Review of Chapter 4901:1-38 of the Ohio Administrative Code	: :	Case No. 18-1191-EL-ORD
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**MOTION TO INTERVENE
OF THE OHIO ENERGY GROUP**

Pursuant to R.C. 4903.221 and Ohio Admin. Code 4901-1-11, the Ohio Energy Group ("OEG") moves for leave to intervene in this proceeding. The Public Utilities Commission of Ohio ("Commission") should grant OEG leave to intervene because OEG has a real and substantial interest in the proceeding, and the Commission's disposition of this proceeding may impair or impede OEG's ability to protect that interest.

MEMORANDUM IN SUPPORT

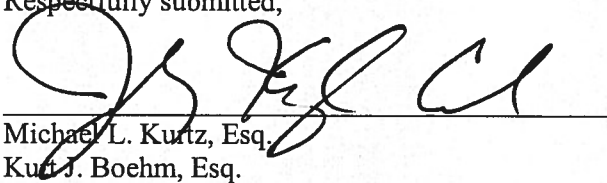
OEG is a non-profit entity organized to represent the interests of large industrial and commercial customers in electric and gas regulatory proceedings before the Commission. OEG's members purchase large amounts of electric power services from the investor-owned utilities in Ohio. Therefore, the interests of OEG's members may be directly affected by the outcome of this proceeding. The interests of OEG cannot be adequately represented by any other party. OEG intends to play a constructive role in this case and provide information which will assist the Commission.

No other party to this proceeding can adequately represent OEG's interest. Intervention would not unduly delay the proceeding nor unjustly prejudice any existing party.

Accordingly, OEG has a real and substantial interest and is entitled to intervene in this action under R.C.

4903.221 and Ohio Admin. Code 4901-1-11.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael L. Kurtz", is written over a horizontal line.

Michael L. Kurtz, Esq.

Kurt J. Boehm, Esq.

Jody Kyler Cohn, Esq.

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May 3, 2019

COUNSEL FOR THE OHIO ENERGY GROUP

**BEFORE THE
PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Commission's Review of Chapter 4901:1-38
of the Ohio Administrative Code

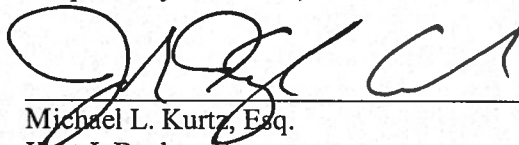
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Case No. 18-1191-EL-ORD

COMMENTS OF THE OHIO ENERGY GROUP

The Ohio Energy Group ("OEG") hereby submits its Comments on the Staff's proposed rule changes to Ohio Adm. Code Chapter 4901:1-38 in the above-captioned proceeding. OEG supports Staff's proposed changes to Ohio Adm. Code 4901:1-38-03 (addressing economic development arrangements), 4901:1-38-04 (addressing energy efficiency arrangements), and 4901:1-38-05 (addressing unique arrangements). By cleaning some language and adding several new criteria that the Commission must specifically consider in the context of an application under those provisions, the proposed rule changes help to ensure that any approved arrangements are in the public interest. Moreover, there is precedent to support at least some of the proposed new criteria. For example, in a recent reasonable arrangement case involving a large energy-intensive steelmaker, the Commission cited Staff's proposed criteria for evaluating economic development arrangements when considering whether the arrangement was consistent with R.C. 4905.31.¹ Accordingly, the Commission should approve Staff's proposed changes to Ohio Adm. Code 4901:1-38.

Respectfully submitted,



Michael L. Kurtz, Esq.

Kurt J. Boehm, Esq.

Jody Kyler Cohn, Esq.

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May 3, 2019

COUNSEL FOR THE OHIO ENERGY GROUP

¹ *In the Matter of the Application of Acero Junction, Inc. and Ohio Power Company for Approval of a Reasonable Arrangement*, Opinion and Order, Case No. 17-2132-EL-AEC (May 2, 2018).

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

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in

Case No(s). 18-1191-EL-ORD

Summary: Motion OEG Motion to Intervene, Memorandum in Support and Comments electronically filed by Mr. Michael L. Kurtz on behalf of Ohio Energy Group and Mr. Michael L. Kurtz