

**BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Ohio	)	
Edison Company, The Cleveland Electric	)	Case No. 19-1968-EL-ATA
Illuminating Company and The Toledo	)	
Edison Company for Modification of a	)	
Tariff	)	

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**MOTION TO INTERVENE OF MATERIAL SCIENCES CORPORATION**

Pursuant to Revised Code Section 4903.221 and Ohio Administrative Code Rule 4901-1-11, Material Sciences Corporation (“MSC”) moves the Public Utilities Commission of Ohio (“Commission”) for intervention in this proceeding as a full party of record as further explained in the attached Memorandum in Support.

WHEREFORE, MSC respectfully requests that the Commission grant this motion for intervention.

Respectfully submitted,

/s/ Michael J. Settineri

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**MEMORANDUM IN SUPPORT OF THE MOTION TO INTERVENE OF  
MATERIAL SCIENCES CORPORATION**

Material Sciences Corporation (“MSC”) is an Ohio manufacturer that is a customer of Toledo Edison Company. MSC is a party in Case No. 13-2145-EL-CSS in which Toledo Edison has proposed revisions to its tariff as well as to its Ohio utility affiliates, The Cleveland Electric Illuminating Company and Ohio Edison Company (collectively “FirstEnergy”). Given that FirstEnergy is proposing revisions to its Economic Load Response Program Rider (Rider ELR) in this proceeding as well as in Case No. 13-2145-EL-CSS, MSC as an Rider ELR participant has significant interest in the proposed tariff revisions. Accordingly, MSC seeks intervention as a full party of record in this proceeding to ensure the proposed tariff revisions are consistent with the Public Utilities Commission of Ohio’s Opinion and Order in Case No. 2145-EL-CSS and general principles of fairness and reasonableness.

The standard for intervention at the Ohio Commission is governed by Ohio Administrative Code Rule 4901-1-11, promulgated pursuant to Revised Code Section 4903.221. Rule 4901-1-11 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.

To determine a direct interest, the factors that the Commission considers in implementing the above rule are the nature of the intervenor’s interest, the extent that interest is represented by existing parties, the intervenor’s potential contribution to a just and expeditious resolution of the issues involved, and whether intervention would result in an undue delay of the proceeding. *See*

also Section 4903.221(B), Revised Code. A review of the intervention criteria in light of the following facts supports granting MSC's intervention.

MSC has a real and substantial interest in this proceeding. In this matter, FirstEnergy is proposing tariff revisions for Toledo Edison that will directly impact MSC as a Rider ELR participant. MSC was also the complainant in Case No. 13-2145-EL-CSS where the Commission found that Toledo Edison's assessment of a \$2.4 million penalty on MSC was neither fair nor reasonable. MSC's interest is not represented by any existing party (as no other party has intervened) nor can those interests be represented by any entity. MSC's motion to intervene is timely and prior to any procedural schedule being issued in this proceeding. Moreover, MSC's intervention will not unduly delay this proceeding.

WHEREFORE, MSC respectfully requests that the Commission grant its motion for leave to intervene and that it be made a full party of record. MSC's counsel agree to be served by electronic email.

Respectfully submitted,  
/s/ Michael J. Settineri

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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. In addition, the undersigned certifies that a courtesy copy of the foregoing document is also being served (via electronic mail) on the 11th day of December 2019 upon all persons/entities listed below:

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**This foregoing document was electronically filed with the Public Utilities**

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**Case No(s). 19-1968-EL-ATA**

Summary: Motion to Intervene electronically filed by Mrs. Gretchen L. Petrucci on behalf of Material Sciences Corporation