Before

**The Public Utilities Commission of Ohio**

In the Matter of the Review of the )

Distribution Modernization Rider of )

Ohio Edison Company, The Cleveland ) Case No. 17-2474-EL-RDR

Electric Illuminating Company, and )

The Toledo Edison Company. )

**Motion to Intervene and Memorandum In Support**

**of Industrial Energy Users-Ohio**

Matthew R. Pritchard (Reg. No. 0088070)

(Counsel of Record)

Frank P. Darr (Reg. No. 0025469)

McNees Wallace & Nurick LLC

21 East State Street, 17TH Floor

Columbus, OH 43215

Telephone: (614) 469-8000

Telecopier: (614) 469-4653

mpritchard@mcneeslaw.com

(willing to accept service via e-mail)

fdarr@mcneeslaw.com

(willing to accept service via e-mail)

July 2, 2019 Attorneys for Industrial Energy Users-Ohio

Before

**The Public Utilities Commission of Ohio**

In the Matter of the Review of the )

Distribution Modernization Rider of )

Ohio Edison Company, The Cleveland ) Case No. 17-2474-EL-RDR

Electric Illuminating Company, and )

The Toledo Edison Company. )

**Motion to Intervene of Industrial Energy Users-Ohio**

Industrial Energy Users-Ohio (“IEU-Ohio”) hereby respectfully moves the Public Utilities Commission of Ohio (“Commission”), pursuant to R.C. 4903.221 and Rule 4901-1-11, Ohio Administrative Code, for leave to intervene in the above-captioned matter with the full powers and rights granted by the Commission, specifically by statute or by the provisions of the Ohio Administrative Code, to intervening parties.

On December 11, 2017, this proceeding was initiated to review the Distribution Modernization Rider (“DMR”) of Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company (collectively, “FirstEnergy”). An audit report regarding the DMR was filed by Oxford Advisors on June 14, 2019. IEU-Ohio’s members include customers of FirstEnergy and pay FirstEnergy’s DMR charges.

As demonstrated further in the Memorandum in Support attached hereto and incorporated herein, IEU-Ohio has a direct, real, and substantial interest in the issues and matters involved in the above-captioned proceeding, and is so situated that the disposition of this proceeding may, as a practical matter, impair or impede its ability to protect that interest. IEU-Ohio believes that its participation will not unduly prolong or delay this proceeding and that it will significantly contribute to the full development and equitable resolution of the factual and other issues in the proceeding. The interests of IEU-Ohio will not be adequately represented by other parties to the proceeding and, as such, IEU-Ohio is entitled to intervene with the full powers and rights granted by the Commission, specifically by statute and by the provisions of the Ohio Administrative Code, to intervening parties.

Respectfully submitted,

*/s/ Matthew R. Pritchard*

Matthew R. Pritchard (Reg. No. 0088070)

(Counsel of Record)

Frank P. Darr (Reg. No. 0025469)

McNees Wallace & Nurick LLC

21 East State Street, 17TH Floor

Columbus, OH 43215

Telephone: (614) 469-8000

Telecopier: (614) 469-4653

mpritchard@mcneeslaw.com

fdarr@mcneeslaw.com

Attorneys for Industrial Energy Users-Ohio

Before

**The Public Utilities Commission of Ohio**

In the Matter of the Review of the )

Distribution Modernization Rider of )

Ohio Edison Company, The Cleveland ) Case No. 17-2474-EL-RDR

Electric Illuminating Company, and )

The Toledo Edison Company. )

**Memorandum in Support**

In support of this Motion to Intervene, IEU-Ohio states that it is an association of ultimate customers. A current listing of IEU-Ohio member companies is available on IEU-Ohio's website at <http://www.ieu-ohio.org/member_list.aspx>. IEU-Ohio’s members purchase substantial amounts of electric and related services from Ohio’s electric distribution utilities (“EDU”).

IEU-Ohio’s members work together to address matters that affect the availability and price of utility services. Additionally, IEU-Ohio seeks to promote customer-driven policies that will assure an adequate, reliable, and efficient supply of energy for all consumers at competitive prices. To this end, IEU-Ohio has worked and will continue to work to produce legislative, regulatory, and market outcomes that are consistent with the State policy contained in R.C. 4928.02.

IEU-Ohio has a real and substantial interest inasmuch as this proceeding may directly or indirectly impact the provision of electric service to IEU-Ohio members’ manufacturing facilities. Specifically, IEU-Ohio’s direct interest in this proceeding is the result of the effect that this proceeding shall have upon the price, adequacy, and reliability of the electric supply and related services within Ohio.

Respectfully submitted,

*/s/ Matthew R. Pritchard*

Matthew R. Pritchard (Reg. No. 0088070)

(Counsel of Record)

Frank P. Darr (Reg. No. 0025469)

McNees Wallace & Nurick LLC

21 East State Street, 17TH Floor

Columbus, OH 43215

Telephone: (614) 469-8000

Telecopier: (614) 469-4653

mpritchard@mcneeslaw.com

fdarr@mcneeslaw.com

Attorneys for Industrial Energy Users-Ohio

**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 upon the following parties. In addition, I hereby certify that a service copy of the foregoing *Motion to Intervene and Memorandum in Support of Industrial Energy Users-Ohio* was sent by, or on behalf of, the undersigned counsel for IEU-Ohio to the following parties of record this 2nd day of July 2019, *via* electronic transmission.

*/s/ Matthew R. Pritchard*

Matthew R. Pritchard

**Brian J. Knipe** (Reg. No. 0090299)

(Counsel of Record)

**Scott J. Casto** (Reg. No. 0085756)

FirstEnergy Service Company

76 South Main Street

Akron, OH 44308

bknipe@firstenergycorp.com

Scasto@firstenergycorp.com

**James F. Lang** (Reg. No. 0059668)

**Mark T. Keaney** (Reg. No. 0095318)

Calfee, Halter & Griswold LLP

The Calfee Building

1405 East Sixth Street

Cleveland, OH 44114

jlang@calfee.com

mkeaney@calfee.com

**Attorneys for Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company**

**Michael L. Kurtz**

**Kurt J. Boehm**

**Jody Kyler Cohn**

Boehm, Kurtz & Lowry

36 East Seventh Street, Suite 1510

Cincinnati, OH 45202

mkurtz@BKLlawfirm.com

kboehm@BKLlawfirm.com

jkylercohn@BKLlawfirm.com

**Attorneys for Ohio Energy Group (“OEG”)**

**William J. Michael** (Reg. No. 0070921)

(Counsel of Record)

Assistant Consumers’ Counsel

Office of the Ohio Consumers’ Counsel

65 East State Street, 7th Floor

Columbus, OH 43215

William.Michael@occ.ohio.gov

**Attorneys for the Office of the Ohio Consumers’ Counsel (“OCC”)**

**Thomas McNamee**

Assistant Attorney General

Public Utilities Section

Office of the Ohio Attorney General

30 East Broad Street, 16th Floor

Columbus, OH 43215-3793

Thomas.mcnamee@ohioattorneygeneral.gov

**Attorney for the Staff of the Public Utilities Commission of Ohio**

**Megan Addison**

**Gregory Price**

Public Utilities Commission of Ohio

180 East Broad Street, 12th Floor

Columbus, OH 43215

Megan.Addison@puc.state.oh.us

Greg.Price@puc.state.oh.us

**Attorney Examiners**