**Before**

**the Public Utilities Commission of Ohio**

In the Matter of the Application of )

Ohio Edison Company, The Cleveland )

Electric Illuminating Company and ) Case No. 18-1604-EL-UNC

The Toledo Edison Company to )

Implement Matters Relating to the )

Tax Cuts and Jobs Act of 2017 )

# Motion to Intervene and Memorandum in Support

# of Industrial Energy Users-Ohio

**Frank P. Darr** (Reg. No. 0025469)

(Counsel of Record)

**Matthew R. Pritchard** (Reg. No. 0088070)

McNees Wallace & Nurick LLC

21 East State Street, 17TH Floor

Columbus, OH 43215

Telephone: (614) 469-8000

Telecopier: (614) 469-4653

fdarr@mwncmh.com

(willing to accept service via e-mail)

mpritchard@mwncmh.com

(willing to accept service via e-mail)

**November 6, 2018 Attorneys for Industrial Energy Users-Ohio**

**Before**

**The Public Utilities Commission of Ohio**

In the Matter of the Application of )

Ohio Edison Company, The Cleveland )

Electric Illuminating Company and ) Case No. 18-1604-EL-UNC

The Toledo Edison Company to )

Implement Matters Relating to the )

Tax Cuts and Jobs Act of 2017 )

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

# 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 October 30, 2018, Ohio Edison Company, The Cleveland Electric Illuminating Company and The Toledo Edison Company (collectively, “FirstEnergy”) filed an application to implement matters relating to the Tax Cuts and Jobs Act of 2017 (“TCJA”) for FirstEnergy. The issues addressed in this proceeding could ultimately affect the price, terms, and conditions upon which IEU-Ohio members receive retail electric service from FirstEnergy.

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/ Frank P. Darr*

**Frank P. Darr** (Reg. No. 0025469)

(Counsel of Record)

**Matthew R. Pritchard** (Reg. No. 0088070)

McNees Wallace & Nurick LLC

21 East State Street, 17TH Floor

Columbus, OH 43215

Telephone: (614) 469-8000

Telecopier: (614) 469-4653

fdarr@mwncmh.com

mpritchard@mwncmh.com

**Attorneys for Industrial Energy Users-Ohio**

**Before**

**The Public Utilities Commission of Ohio**

In the Matter of the Application of )

Ohio Edison Company, The Cleveland )

Electric Illuminating Company and ) Case No. 18-1604-EL-UNC

The Toledo Edison Company to )

Implement Matters Relating to the )

Tax Cuts and Jobs Act of 2017 )

# 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 (“EDUs”), including FirstEnergy. 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, including actively participating in the legislative process related to SB 221, 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 from FirstEnergy.

Respectfully submitted,

*/s/ Frank P. Darr*

**Frank P. Darr** (Reg. No. 0025469)

(Counsel of Record)

**Matthew R. Pritchard** (Reg. No. 0088070)

McNees Wallace & Nurick LLC

21 East State Street, 17TH Floor

Columbus, OH 43215

Telephone: (614) 469-8000

Telecopier: (614) 469-4653

fdarr@mwncmh.com

mpritchard@mwncmh.com

**Attorneys for Industrial Energy Users-Ohio**

**Certificate of Service**

In accordance with Rule 4901-1-05, Ohio Administrative Code, the Commission’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 6th day of November 2018, *via* electronic transmission.

*/s/ Frank P. Darr*

Frank P. Darr

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

(Counsel of Record)

FirstEnergy Service Company

76 South Main Street

Akron, OH 44308

bknipe@firstenergycorp.com

**James F. Lang**

**Mark T. Keaney**

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 (“FirstEnergy”)**

**Angela Paul Whitfield** (Reg. No. 0068774)

Carpenter Lipps & Leland LLP

280 North High Street, Suite 1300

Columbus, OH 43215

paul@carpenterlipps.com

**Attorney for The Kroger Co.**

**Gretchen L. Petrucci** (Reg. No. 0046608)

Vorys, Sater, Seymour and Pease LLP

52 East Gay Street

Columbus, OH 43216-1008

glpetrucci@vorys.com

**Attorney for the Ohio Cable Telecommunications Association (“OCTA”)**

**Kimberly W. Bojko** (Reg. No. 0069402)

**Brian W. Dressel** (Reg. No. 0097163)

Carpenter Lipps & Leland LLP

280 North High Street, Suite 1300

Columbus, OH 43215

Bojko@carpenterlipps.com

Dressel@carpenterlipps.com

**Attorney for the Ohio Manufacturers’ Association Energy Group (“OMAEG”)**

**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**

**Thomas Lindgren** (Reg. No. 0039210)

Assistant Attorney General

Office of the Ohio Attorney General

30 E. Broad St., 16th Floor

Columbus, OH 43215

Thomas.Lindgren@ohioattorneygeneral.gov

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