

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Commission-Ordered	)	
Investigation of Marketing Practices in the	)	
Competitive Retail Electric Service Market	)	Case No. 14-568-EL-COI

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**MOTION TO INTERVENE OF  
THE OHIO SCHOOLS COUNCIL, OHIO SCHOOL BOARDS ASSOCIATION,  
BUCKEYE ASSOCIATION OF SCHOOL ADMINISTRATORS  
AND OHIO ASSOCIATION OF SCHOOL BUSINESS OFFICIALS**

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Pursuant to Ohio Revised Code ("R.C.") Section 4903.221, and Ohio Administrative Code ("OAC") Rule 4901-1-11, the Ohio Schools Council, Ohio School Boards Association, Buckeye Association of School Administrators, and Ohio Association of School Business Officials ("Power4Schools") respectfully request that the Public Utilities Commission of Ohio grant its motion to intervene in this proceeding. The reasons supporting Power4Schools' motion to intervene are contained in the accompanying Memorandum in Support.

Respectfully submitted,



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Glenn S. Krassen (Reg. No. 0007610)  
BRICKER & ECKLER LLP  
1001 Lakeside Avenue, Suite 1350  
Cleveland, OH 44114  
Telephone: (216) 523-5405  
Facsimile: (216) 523-7071  
E-mail: gkrassen@bricker.com

Dane Stinson (Reg. No. 0019101)  
BRICKER & ECKLER LLP  
100 South Third Street  
Columbus, Ohio 43215-4291  
Telephone: (614) 227-4854  
Facsimile: (614) 227-2390  
Email: dstinson@bricker.com

Attorneys for Power4Schools

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## MEMORANDUM IN SUPPORT

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The Commission opened this investigation to determine whether it is unfair, misleading, deceptive, or unconscionable to market contracts as fixed-rate contracts or as variable contracts with a guaranteed percent off the SSO rate when the contracts include pass-through clauses.

R.C. 4903.221(B) and OAC Rule 4901-1-11(A)(2) govern intervention in Commission proceedings. Substantially similar in substance, these provisions explain that the Commission may consider the following in determining whether to grant intervention:

- (1) The nature and extent of the person's interest;<sup>1</sup>
- (2) The legal position of the person seeking intervention and its relation to the merits of the case;<sup>2</sup>
- (3) Whether intervention would unduly delay the proceeding or unjustly prejudice any existing party;<sup>3</sup>
- (4) The person's potential contribution to full development and equitable resolution of the issues involved in the proceeding;<sup>4</sup> and
- (5) The extent to which the person's interest is represented by existing parties.<sup>5</sup>

The Ohio Schools Council, Ohio School Boards Association, Buckeye Association of School Administrators, and Ohio Association of School Business Officials are non-profit groups of public school boards and public school administrators who seek to share best practices and information concerning the operation of educational institutions. These groups' members include all of Ohio's 612 public school boards of education, as well as 55 educational service center boards and 49 career technical center boards. Among their services, they offer their members group

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<sup>1</sup> R.C. 4903.221(B)(1) and OAC 4901-1-11(B)(1).

<sup>2</sup> R.C. 4903.221(B)(2) and OAC 4901-1-11(B)(2).

<sup>3</sup> R.C. 4903.221(B)(3) and OAC 4901-1-11(B)(3).

<sup>4</sup> R.C. 4903.221(B)(4) and OAC 4901-1-11(B)(4).

<sup>5</sup> OAC 4901-1-11(B)(5).

purchasing programs for a host of goods and services, including an electricity purchasing program, known as “Power4Schools.” Power4Schools is designed to reduce the schools’ cost of electricity, which is purchased and delivery arranged through a third party competitive retail electric service (“CRES”) provider under a master contract. Savings on the cost of electricity are passed on to school district participants. Power4Schools operates throughout the state, serving nearly 600,000 school children and, to date has saved participating schools an estimated \$20 million since initiating third party supplies.

Power4Schools has a real and substantial interest in the above-captioned proceeding. Granting Power4Schools’ motion to intervene also will not unduly delay this proceeding, or unjustly prejudice any existing party. Powers4School will work cooperatively with others in the case in order to maximize case efficiency where practical, but without compromising Powers4Schools’ unique position in the State of Ohio.

Finally, Power4Schools submit that no current party represents its interests, and disposition of this proceeding without its participation will impair or impede Power4Schools’ ability to protect its interests.

WHEREFORE, the Ohio Schools Council, Ohio School Boards Association, Buckeye Association of School Administrators, and Ohio Association of School Business Officials (Power4Schools) respectfully request that its motion to intervene be granted.

Respectfully submitted,



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Glenn S. Krassen (Reg. No. 0007610)  
BRICKER & ECKLER LLP  
1001 Lakeside Avenue, Suite 1350  
Cleveland, OH 44114  
Telephone: (216) 523-5405  
Facsimile: (216) 523-7071  
E-mail: gkrassen@bricker.com

Dane Stinson (Reg. No. 0019101)  
BRICKER & ECKLER LLP  
100 South Third Street  
Columbus, Ohio 43215-4291  
Telephone: (614) 227-4854  
Facsimile: (614) 227-2390  
Email: dstinson@bricker.com

Attorneys for Power4Schools

## CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served upon the following parties of record by e-mail and/or regular U.S. mail, this 9<sup>th</sup> day of May 2014.



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Dane Stinson

David F. Boehm  
Michael L. Kurtz  
Jody Kyler Cohn  
Boehm, Kurtz & Lowry  
36 East Seventh Street, Suite 1510  
Cincinnati, OH 45202  
[dboehm@bkllawfirm.com](mailto:dboehm@bkllawfirm.com)  
[mkurtz@bkllawfirm.com](mailto:mkurtz@bkllawfirm.com)  
[jkylercohn@bkllawfirm.com](mailto:jkylercohn@bkllawfirm.com)

Colleen L. Mooney  
Ohio Partners for Affordable Energy  
231 West Lima Street  
Findlay, OH 45840  
[cmooney@ohiopartners.org](mailto:cmooney@ohiopartners.org)

Craig G. Goodman  
Stacey Rantala  
National Energy Marketers Association  
3333 K Street, NW, Suite 110  
Washington, DC 20007  
[cgoodman@energymarketers.com](mailto:cgoodman@energymarketers.com)  
[srantala@energymarketers.com](mailto:srantala@energymarketers.com)

Barbara A. Langhenry  
Harold Madorsky  
City of Cleveland Law Department  
601 Lakeside Avenue  
City Hall – Room 106  
Cleveland, OH 44114-1077  
[blanghenry@city.cleveland.oh.us](mailto:blanghenry@city.cleveland.oh.us)  
[hmadorsky@city.cleveland.oh.us](mailto:hmadorsky@city.cleveland.oh.us)

Tim DeGeeter  
Mayor  
City of Parma  
6611 Ridge Road  
Parma, OH 44129  
[mayorsoffice@cityofparma-oh.gov](mailto:mayorsoffice@cityofparma-oh.gov)

Michael J. Schuler  
Assistant Consumers' Counsel  
Office of the Ohio Consumers' Counsel  
10 West Broad Street, Suite 1800  
Columbus, OH 43215-9547  
[michael.schuler@occ.ohio.gov](mailto:michael.schuler@occ.ohio.gov)

Joseph Olikier  
Matthew White  
IGS Energy  
6100 Emerald Parkway  
Dublin, OH 43016  
[joliker@igsenergy.com](mailto:joliker@igsenergy.com)  
[mswhite@igsenergy.com](mailto:mswhite@igsenergy.com)

Seth Hopson  
Keenia Joseph  
Alexander Robinson  
Christina Gelo  
North America Power and Gas, LLC  
20 Glover Avenue  
Norwalk, CT 060851  
[shopson@napower.com](mailto:shopson@napower.com)  
[kjoseph@napower.com](mailto:kjoseph@napower.com)  
[arobinson@napower.com](mailto:arobinson@napower.com)  
[cgelo@napower.com](mailto:cgelo@napower.com)

Donald I. Marshall  
Eagle Energy, LLC  
4465 Bridgetown Road, Suite 1  
Cincinnati, OH 45211-4439  
[eagleenergy@fuse.net](mailto:eagleenergy@fuse.net)

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Summary: Motion of the Ohio Schools Council, Ohio School Boards Association, Buckeye Association of School Administrators, and Ohio Association of School Business Officials ("Power4Schools") to Intervene electronically filed by Teresa Orahod on behalf of Glenn S. Krassen