

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Ohio)
Edison Company, The Cleveland Electric)
Illuminating Company, and The Toledo)
Edison Company for Authority to Provide) Case No. 14-1297-EL-SSO
for a Standard Service Offer Pursuant to)
R.C. 4928.143 in the Form of an Electric)
Security Plan)

**MOTION TO INTERVENE BY
THE ENVIRONMENTAL LAW & POLICY CENTER**

Pursuant to Ohio Revised Code (“ORC”) § 4903.221 and Ohio Administrative Code (“OAC”) 4901-1-11, the Environmental Law & Policy Center (“ELPC”) respectfully moves to intervene in the above-captioned proceeding. As explained more thoroughly in the attached Memorandum in Support, ELPC has a real and substantial interest in this proceeding. Additionally, the interests of ELPC are not adequately represented by any other party to this matter and its participation in this proceeding will contribute to a just and expeditious resolution of the issues and questions. Further, ELPC’s participation will not unduly delay the proceedings or prejudice any other party.

ELPC respectfully requests this Commission grant its motion to intervene for these reasons and those set forth in more detail in the attached Memorandum in Support.

Respectfully submitted,

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**MEMORANDUM IN SUPPORT OF THE MOTION TO INTERVENE BY
THE ENVIRONMENTAL LAW & POLICY CENTER**

Ohio Revised Code (“ORC”) § 4903.221 states that “[a]ny other person who may be adversely affected by a public utilities commission proceeding may intervene in such proceeding” provided the Public Utilities Commission of Ohio (“PUCO” or “Commission”) makes certain determinations. The Environmental Law & Policy Center (“ELPC”) is a non-profit environmental advocacy organization whose mission is to improve the Midwest’s environmental quality and economic development. ELPC is an advocate for both environmental health and sustainable economic development. As a regional organization with a presence and members in Ohio, ELPC and its members may be adversely affected by the outcome of this proceeding, and its interests are not adequately represented by the other parties hereto.

ORC § 4903.221 requires the Commission to consider four factors when presented with a motion to intervene. In addition, the Commission’s procedural rules at Ohio Administrative Code (“OAC”) 4901-11-1 similarly provide that it shall consider five factors when weighing a motion to intervene. ELPC’s motion meets all of the factors required by statute and rule.

Pursuant to ORC § 4903.221, the Commission must consider:

- (1) The nature and extent of the prospective intervenor’s interest;

- (2) The legal position advanced by the prospective intervenor and its probable relation to the merits of the case;
- (3) Whether the intervention by the prospective intervenor will unduly prolong or delay the proceedings; [and]
- (4) Whether the prospective intervenor will significantly contribute to full development and equitable resolution of the factual issues.

ORC § 4903.221(B).

As to the first factor, ELPC has an interest in several issues presented by the application of the Ohio Edison Company, the Cleveland Electric Illuminating Company, and the Toledo Edison Company (“FirstEnergy” or “Companies”) to establish a Standard Service Offer, including ensuring the effective and thorough implementation of Am. Sub. SB No. 221 (SB 221), which requires utilities to provide alternative and renewable energy to customers in Ohio, including solar energy resources, as reflected at ORC § 4928.64. Because the Application under consideration addresses FirstEnergy’s responsibilities under SB 221, ELPC’s interest in this proceeding is to ensure that the Commission holds the Companies to reasonable expectations of fulfillment. Further, ELPC has members in Ohio and has an office in Ohio that focuses on Ohio energy and environmental issues, both subjects of FirstEnergy’s Application.

As to the second factor, because of the potential impacts on ELPC and its Ohio members, ELPC seeks to ensure FirstEnergy’s Application meets the applicable legal requirements, specifically those in SB 221, and if not, recommend appropriate solutions. Additionally, ELPC seeks the Commission’s careful scrutiny of the reasonableness of FirstEnergy’s proposed Economic Security Plan, which implicates ELPC’s interests in advocating for alternative energy solutions over reliance on polluting coal plants.

Under the third factor, ELPC’s inclusion will not unduly delay or prolong the proceeding. ELPC is filing its motion for intervention before the applicable deadline of October 1, 2014, and

is committed to working within the schedule set by this Commission to achieve the efficient and orderly disposition of the questions presented.

Finally, ELPC will significantly contribute to the full development and resolution of the proceeding by bringing its unique perspective to bear. ELPC has expertise and experience throughout the Midwest regarding energy efficiency programs and implementation that will contribute to resolving the pending issues. ELPC is an active member of FirstEnergy's Collaborative and has participated in previous negotiations involving utilities' Electric Security Plans, including FirstEnergy's. *See, e.g., In the Matter of the Application of Ohio Edison Company, The Cleveland Electric Illuminating Company and The Toledo Edison Company for Authority to Establish a Standard Service Offer Pursuant to R.C. § 4928.143 in the Form of an Electric Security Plan*, Case No. 12-1230-EL-SSO.

Similarly, ELPC meets the requirements set forth in OAC 4901-11-1(B):

- (1) The nature and extent of the prospective intervenor's interest;
- (2) The legal position advanced by the prospective intervenor and its probable relation to the merits of the case;
- (3) Whether the intervention by the prospective intervenor will unduly prolong or delay the proceedings;
- (4) Whether the prospective intervenor will significantly contribute to full development and equitable resolution of the factual issues;
[and]
- (5) The extent to which the person's interest is represented by existing parties.

The first four factors mirror those in ORC § 4903.221, and for the same reasons as stated above, ELPC meets those factors. As to the fifth, ELPC maintains that no other party can adequately represent its interests as a regional environmental advocacy organization that also focuses on "green" economic development, including new manufacturing and job creation.

Finally, this Commission's policy is to "encourage the broadest possible participation in its proceedings." *Cleveland Elec. Illum. Co.*, Case No. 85-675-EL-AIR, Entry at 2 (January 14, 1986). ELPC's inclusion in this proceeding will contribute to this goal of broad participation in PUCO proceedings.

Because ELPC meets the criteria set forth in both ORC § 4903.221 and OAC 4901-11-1, it respectfully asks this Commission to grant its motion to intervene in the above-captioned proceedings.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing Motion to Intervene submitted on behalf of the Environmental Law & Policy Center was served by electronic mail, upon the following Parties of Record, this September 29, 2014.

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Summary: Motion MOTION TO INTERVENE BY THE ENVIRONMENTAL LAW & POLICY CENTER electronically filed by Madeline Fleisher on behalf of Environmental Law and Policy Center