

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 OF NEXTERA ENERGY POWER MARKETING, LLC.**

NextEra Energy Power Marketing, LLC (“NextEra”) respectfully moves the Public Utilities Commission of Ohio (the “PUCO”) to grant it leave to intervene in Case No. 14-1297-EL-SSO pursuant to Ohio Revised Code Section 4903.221 and Ohio Administrative Code Rule 4901-1-11. On August 4, 2014, Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company filed an application for a standard service offer (“SSO”) as an electric security plan (“ESP”) to provide electricity to customers in a specific service territory until May 31, 2019.

NextEra requests the opportunity to intervene as a party in the above-captioned proceeding. As the following memorandum demonstrates, NextEra has a real and substantial interest in the proceeding, which may negatively be affected by the continuation of the proceeding without NextEra as a party. In addition, this interest is not adequately represented by another party. Further, NextEra’s intervention will not unduly delay the proceeding and NextEra will significantly contribute to resolving the factual issues present.

Respectfully submitted,

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**MEMORANDUM IN SUPPORT OF**  
**MOTION TO INTERVENE OF NEXTERA ENERGY POWER MARKETING, LLC.**

Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company (collectively, the “Companies”) filed an application under Ohio Revised Code Section 4928.141 for a standard service offer (“SSO”) in the form of an electric security plan (“ESP”). The Public Utilities Commission of Ohio (the “PUCO”) established October 1, 2014 as the deadline for intervention of interested parties in the proceeding.

NextEra Energy Power Marketing, LLC (“NextEra”) desires, and is entitled, to intervene in this proceeding pursuant to Ohio Revised Code Section 4903.221 and Ohio Administrative Code Rule 4901-1-11. NextEra maintains a real and substantial interest in the proceeding. NextEra has participated in FirstEnergy’s wholesale supply procurements as a bidder in the past, and has an interest in protecting its future plans to participate in the wholesale supply procurements of the ESP. NextEra, through its affiliates, is a participant in the competitive retail electric markets in Ohio and specifically within the Companies service territories. NextEra is concerned that the ESP may have negative economic impacts for competitive wholesale and retail electric providers within Ohio. NextEra possesses a real and substantial interest that could be adversely affected by the proceeding.

O.A.C. Rule 4901-1-11(B) and R.C. § 4903.221(B) provide the following factors for the PUCO to consider when ruling upon an application to intervene:

- (1) The nature and extent of the prospective intervener’s interest;
- (2) The legal position advanced by the prospective intervener and its probable relation to the merits of the case;
- (3) Whether the intervention by the prospective intervener will unduly prolong or delay the proceedings; and
- (4) Whether the prospective intervener will significantly contribute to the full development and equitable resolution of the factual issues.

Further, the Ohio Supreme Court has stated that “intervention ought to be liberally allowed so that the positions of all persons with a real and substantial interest in the proceedings can be considered by the PUCO.” *Ohio Consumers’ Counsel v. Pub. Util. Comm.*, (2006) 111 Ohio St.3d 384, 388.

NextEra satisfies all these factors in favor of permitting intervention. First, NextEra’s interest in protecting its future plans to participate in the Ohio’s retail and wholesale electric competitive markets are simply an extension of NextEra’s past participation in FirstEnergy’s wholesale supply procurements as a bidder as well as NextEra’s participation in the Columbia Gas of Ohio and Dominion East Ohio gas retail supply markets. This proceeding may negatively affect NextEra’s pricing and competitive strategies in these markets. Second, NextEra’s legal interests cannot adequately be represented by the current parties as its interests are specific to its future plans for competing in the retail electric markets and the other parties are incapable of protecting NextEra’s unique interests. Third, NextEra’s timely admittance into the proceedings will not unduly delay the proceedings. Finally, NextEra will significantly contribute to the development, and ultimate resolution, of the factual issues.

For the reasons outlined above, NextEra respectfully requests that the PUCO grant its Motion to Intervene.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

**This foregoing document was electronically filed with the Public Utilities Commission of Ohio Docketing Information System on 9/30/2014 in Case No(s). 14-1297-EL-SSO.**

The undersigned hereby certifies that a copy of the foregoing Motion to Intervene and Memorandum in Support of the Motion to Intervene was served this 30th day of September, 2014.

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