

**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)
For a Standard Service Offer Pursuant to)
R.C. 4928.143 in the Form of an Electric)
Security Plan.)

Case No. 14-1297-EL-SSO

**MOTION TO INTERVENE AND MEMORANDUM IN SUPPORT
OF THE CITY OF AKRON**

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October 1, 2014

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MOTION TO INTERVENE OF THE CITY OF AKRON

The City of Akron ("Akron") hereby respectfully moves the Public Utilities Commission of Ohio ("Commission"), pursuant to Section 4903.221, Revised Code, and Rule 4901-1-11, Ohio Administrative Code ("O.A.C."), for leave to intervene in the above-captioned matters 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 August 4, 2014, Ohio Edison Company, The Cleveland Electric Illuminating Company and The Toledo Edison Company (collectively, the "FirstEnergy Companies") filed their application to establish a standard service offer ("SSO"), in the form of a fourth electric security plan ("ESP") entitled Powering Ohio's Progress ("ESP IV"), to provide generation service pricing for the period June 1, 2016 through May 31, 2019.

As demonstrated further in the Memorandum in Support attached hereto and incorporated herein, Akron 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. Akron 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 Akron will not be adequately represented by other parties to the proceeding and, as such, Akron 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/ Scott Elisar

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MEMORANDUM IN SUPPORT

On August 4, 2014, the FirstEnergy Companies filed their application to establish an SSO, in the form of a fourth ESP entitled Powering Ohio's Progress (ESP IV), to provide generation service pricing for the period June 1, 2016 through May 31, 2019.

Under Rule 4901-1-11(A)(2), O.A.C., an interested party may intervene in a Commission proceeding if the interested party can demonstrate a real and substantial interest in the proceeding and the interested person is so situated that the disposition of the proceeding may, as a practical matter, impair or impede his or her ability to protect that interest, unless the person's interest is adequately represented by existing parties.¹ When determining whether a party may intervene under Rule 4901-1-11(A)(2), O.A.C., the Commission considers:²

- (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.

¹ Rule 4901-1-11(A)(2), O.A.C.

² See also Section 4903.221, Revised Code.

- (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.
- (5) The extent to which the person's interest is represented by existing parties.

Under these criteria, intervention “ought to be liberally allowed so that the positions of all persons with a real and substantial interest” in a proceeding can be considered by the Commission.³

Akron respectfully submits that it has a real and substantial interest in this proceeding and meets the Commission's criteria for intervention in Commission proceedings. Akron is a significant customer of Ohio Edison Company and therefore the nature and extent of its interest lies partly in the potential relationship between this proceeding and the prices that Akron may pay for electric service. Akron has also participated in prior ESP and other proceedings before the Commission.

The legal positions advanced by Akron will directly relate to the merits of the above-mentioned application. Akron's involvement will not unduly prolong or delay the proceeding. Akron will significantly contribute to the full development and equitable resolution of factual and other issues. Finally, no other person or entity can represent Akron's interest in this proceeding.

³ *Ohio Consumers' Counsel v. Pub. Util. Comm.*, 111 Ohio St.3d 384, 2006-Ohio-5853, ¶20.

For the foregoing reasons, Akron respectfully requests the Commission grant its Motion to Intervene.

Respectfully submitted,

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CERTIFICATE OF SERVICE

In accordance with Rule 4901-1-05, O.A.C., 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 the City of Akron* was sent by, or on behalf of, the undersigned counsel for the City of Akron to the following parties of record this 1st day of October 2014, *via* electronic transmission.

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