

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application Seeking)	
Approval of Ohio Edison Company, The)	
Cleveland Electric Illuminating Company and)	
The Toledo Edison Company for Authority to)	Case No. 14-1297-EL-SSO
Provide for a Standard Service offer Pursuant to)	
R.C. § 4928.143 in the Form of an Electric)	
Security Plan)	
)	
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**Motion to Intervene and Memorandum In Support
Of PJM Interconnection**

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December 29, 2015

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

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**Motion for Limited Intervention
Of PJM Interconnection**

PJM is established by the Federal Regulatory Energy Commission (“FERC”) as an Independent System Operator and Regional Transmission Organization (“RTO”) that operates in Ohio, and all or parts of Delaware, District of Columbia, Illinois, Indiana, Kentucky, Maryland, Michigan, New Jersey, North Carolina, Pennsylvania, Tennessee, Virginia, and West Virginia. PJM is a transmission provider under, and the administrator of the, PJM Open Access Transmission Tariff. PJM administers capacity, energy, and ancillary service markets, plans regional transmission expansion to maintain grid reliability and relieve congestion, and conducts the day-to-day operations of the transmission system in the PJM region which includes the service territory of the Ohio Edison Company, Cleveland Electric Illuminating Company, and the Toledo Edison Company (collectively “FE”).

PJM seeks intervention in the above-captioned proceeding for the limited purpose of providing clarification regarding Paragraph V.(B)(3)(a) of the Third Stipulation and Recommendation (“Stipulation”) filed by FE and the other signatory parties on December 1, 2015. PJM recognizes that this is a late-filed intervention in this proceeding however, as explained in the attached Memorandum, PJM’s intervention is

limited to its seeking clarifications of Paragraph V.(B)(3)(a) of the Stipulation—a provision which was not at issue in this case until the filing of the Stipulation on December 1, 2015. As explained in the accompanying Memorandum in Support, PJM has a real and substantial interest in this matter that cannot adequately be represented by any other party. In addition, PJM's participation in this proceeding will contribute to a just and expeditious resolution without unduly delaying the proceeding or unjustly prejudicing any existing party. Moreover, PJM accepts the record in this proceeding as it exists on the date of this filing and limits this intervention to seeking clarification of Paragraph V.(B)(3)(a) of the Stipulation.

WHEREFORE, PJM respectfully requests that the Public Utilities Commission of Ohio (“Commission”) grant its Motion for Limited Intervention Out of Time and that it be made a party of record in this proceeding, with the full rights and powers granted to intervening parties, as related to the limited issue.

Respectfully submitted,

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Memorandum In Support

On December 1, 2105, the Third Supplemental Stipulation and Recommendation ("Stipulation") was filed in the instant proceeding by FE and other signatory parties addressing an affiliate power purchase agreement ("PPA") between FE and First Energy Solutions, among other things. Paragraph V.(B)(3)(a) of the Stipulation specifically addresses the PJM market and states:

"The rigorous review process set forth in the Companies' ESP IV filing in the testimony of Company Witness Mikkelsen supporting the Application shall be adopted. Specifically, the Companies agree to participate in annual compliance reviews before the Commission to ensure that actions taken by the Companies when selling the output from generation units included in Rider RRS into the PJM market were not unreasonable. The Companies, not their customers, would be responsible for the adjustments made to Rider RRS based on actions deemed unreasonable by the Commission, including any costs (after proper consideration of such costs and netting of any bonus payments) associated with performance requirements in PJM's markets. Any determination that the costs and revenues included in Rider RRS are unreasonable shall be made in light of the facts and

circumstances know at the time such costs were committed and market revenues were received.

In addition, the calculation of Rider RRS will be based on the sale of power into PJM.”

Section 4903.221, Revised Code, and Rule 4901-1-11 of the Ohio Administrative Code established the standard for limited intervention in proceedings before the Commission. Rule 4901-1-11 (D)(1) provides:

(D) Unless otherwise provided by law, the commission, the legal director, the deputy legal director, or the attorney examiner may:

(1) Grant limited intervention, which permits a person to participate with respect to one or more specific issues, if the person has no real and substantial interest with respect to the remaining issues or the person's interest with respect to the remaining issues is adequately represented by existing parties.

PJM has an important but targeted interest in this proceeding—namely addressing the meaning of Paragraph V.(B)(3)(a) of the Stipulation and seeking clarification as to its terms. Clarification of Paragraph V.(B)(3)(a) is needed to ensure that FE's actions in bidding the affected units into the PJM market (and the Commission's reviews of same pursuant to Paragraph V.(B)(3)(a)) is undertaken in a manner which continues to support an efficient competitive wholesale market in Ohio and continues to incent the development of new generation in the state to meet the state's economic development needs. Through testimony, PJM proposes clarifications in this regard in the attached testimony of F. Stuart Bresler. Since PJM alone administers the wholesale market in the PJM region and administers the tariffs which FE utilizes to bid into the PJM market (which actions of FE are the subject to the Commission review process set forth in Paragraph V.(B)(3)(a)) , no other party can adequately protect PJM's substantial interest in these proceedings in ensuring that the proposed process in the Stipulation is compatible with those tariff provisions as well as Ohio's stated goals relative to procurement of power through the PJM wholesale markets.

Section 4903.221, Revised Code provides that the Commission “may, in its discretion, grant motions to intervene which are filed after the deadlines***for good cause shown.” In addition, Rule 4901-1-11(F) provides that the Commission should grant an untimely intervention “under extraordinary circumstances.” PJM believes that there is good cause for allowing this late limited intervention. PJM is seeking this limited intervention to address the specific terms of Paragraph V.(B)(3)(a) and the need for clarification of same. As noted in the attached testimony, PJM is not taking an overall position on the Stipulation itself outside of the requested clarification. As a result, and given the fact that the terms of Paragraph V.(B)(3)(a), and the proposed PUCO prudence review process as set forth therein simply did not exist prior to its filing, good cause exists to allow this late-filed intervention so the Commission can provide clarification and guidance concerning Paragraph V.(B)(3)(a) and the going-forward review process proposed in that section should it ultimately decide to adopt the proposed Stipulation. At this stage of the proceeding, PJM believes that such guidance not only would not be prejudicial but in fact would be helpful to all parties and would also help to ensure development of a complete record on the meaning of Paragraph V.(B)(3)(a) of the Stipulation which the Commission can consider in its deliberations on the stipulation itself. Accordingly, PJM’s request to clarify this language constitutes “good cause shown” and “extraordinary circumstances” as contemplated by the Revised Code and Ohio Administrative Code.

As PJM accepts the record developed to date, no party will be prejudiced by this late intervention. Rather, PJM believes that the Commission and all parties will benefit from consideration of PJM witness Bresler’s proposed clarifications of Paragraph V.(B)(3)(a).

WHEREFORE, PJM respectfully requests that the Commission grant its Motion for Limited Intervention Out of Time so that the Commission can consider necessary and important clarification relative to the meaning of Paragraph V.(B)(3)(a) of the Stipulation.

Respectfully submitted,

/s/ Evelyn R. Robinson

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CERTIFICATE OF SERVICE

In Accordance with Rule 4901-1-05, Ohio Administrative Code, "The PUCO's efilng 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 for Limited Intervention and Memorandum in Support of PJM Interconnection was sent by, or on behalf of, the undersigned counsel for PJM Interconnection to the following parties of record this 29th day of December 2015, via electronic transmission.

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Case No(s). 14-1297-EL-SSO

Summary: Motion Motion to Intervene and Memorandum In Support of PJM Interconnection.
Testimony of F. Stuart Bresler, III