

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

IN THE MATTER OF THE APPLICATION FOR ESTABLISHMENT OF A REASONABLE ARRANGEMENT BETWEEN U.S. STEEL SEAMLESS TUBULAR OPERATIONS, LLC., LORAIN TUBULAR OPERATIONS AND OHIO EDISON COMPANY	: : :	Case No. 16-2020-EL-AEC
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OHIO EDISON COMPANY’S MOTION TO INTERVENE

Pursuant to Ohio Revised Code § 4903.221 and O.A.C. § 4901-1-11, Ohio Edison Company (“Company”) moves to intervene in this proceeding. The Company has a real and substantial interest in this proceeding and its interests, which may be prejudiced by this proceeding and are not adequately represented by the existing parties. Thus, for these reasons, and as set forth more fully in the attached memorandum in support, the Company respectfully requests that the Commission grant this timely request to intervene.

/s/ Erika Ostrowski
Erika Ostrowski (#0084579)
Counsel of Record
76 South Main Street
Akron, Ohio 44308
eostrowski@firstenergycorp.com
Phone: 330-384-5803
Fax: 330-384-3875

Ohio Edison Company

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**MEMORANDUM IN SUPPORT OF OHIO EDISON COMPANY’S MOTION TO
INTERVENE**

U.S. Steel Seamless Tubular Operations, LLC (“Applicant”) filed an Application for Approval of a Reasonable Arrangement (the “Application”) on October 13, 2016. As an expected signatory party to the contract for which Applicant seeks approval, the Company has a real and substantial interest in this proceeding. The Company’s Motion to Intervene (“Motion”) should be granted so that its interests can be adequately represented and properly presented for the Commission’s consideration.

Ohio Revised Code § 4903.221 provides that “any person who may be adversely affected by a public utilities commission proceeding” may intervene in a Commission proceeding. The Commission’s own rules reinforce the right to intervene and provide that:

Upon timely motion, any person *shall* be permitted to intervene in a proceeding upon a showing that . . . [t]he person has a real and substantial interest in the proceeding, and the 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 interest is adequately represented by existing parties.

O.A.C. § 4901-1-11(A) (emphasis added). “The regulation’s text is very similar to Ohio Civ. R. 24 – the rule governing intervention in civil cases in Ohio – which is generally liberally construed in favor of intervention.” *Ohio Consumers’ Counsel v. Pub. Util. Comm’n*, 111 Ohio St. 3d 384,

387 (2006)(internal citations omitted). In considering a motion to intervene, the Commission is directed to both O.R.C. § 4903.221 and O.A.C. § 4901-1-11(B) to consider a number of criteria, each of which is clearly satisfied by the Company's Motion. Those criteria are:

- 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;
- 5) the extent to which the person's interest is represented by existing parties.¹

The Company meets each of the above criteria. The Company has a number of real and substantial interests in this proceeding that are central to the Application. The Company will be one of the signatory parties to the contract underlying the request in the Application; therefore, the outcome of this proceeding will have a direct impact upon the Company. The Company has discussed with both the Applicant and Staff the reasonable arrangement being sought and therefore is already knowledgeable about the approach being proposed.

The Company plans to participate in the proceeding to help assure that any customer benefits identified as arising from the reasonable arrangement will remain in effect throughout its expected term. The Company plans to continue working with Staff and the Applicant and may provide testimony in this proceeding if necessary to help develop the record for the Commission's consideration.

¹ This criterion is found only in O.A.C. § 4901-1-11(B), and not in O.R.C. § 4903.221.

The Company's participation in this proceeding will not unduly delay or prolong the proceeding, and this Motion was filed prior to the due date for such motions. The Company's participation will provide assistance to the Commission and its evaluation of the Application. The Company has worked with many customers over the years in the development and implementation of reasonable arrangements and will use that historical knowledge and expertise in this proceeding to assist the Commission in reaching a reasonable result and to provide a solid precedent to be relied upon going forward.

The Company is also uniquely positioned to protect the balance of interest of its customers and shareholders. The Company, through its supporting effort, will help mitigate costs that may be imposed upon customers and then will provide for a reasonable recovery mechanism for those costs.

As shown above, the Company's Motion satisfies each of the criteria the Commission must consider in granting intervention. Therefore, the Company respectfully requests that the Commission grant its Motion to Intervene and allow it to represent its interests in this proceeding.

/s/ Erika Ostrowski
Erika Ostrowski (#0084579)
Counsel of Record
76 South Main Street
Akron, Ohio 44308
eostrowski@firstenergycorp.com
Phone: 330-384-5803
Fax: 330-384-3875

Ohio Edison Company

CERTIFICATE OF SERVICE

A copy of the foregoing Ohio Edison Company's Motion to Intervene was served by electronic mail upon the following on this 1st day of November 2016:

Thomas McNamee
Assistant Attorney General
Public Utilities Commission of Ohio
180 East Broad Street, 6th Floor
Columbus, OH 43215
Thomas.McNamee@puc.state.oh.us

Attorney for the Staff of the Public Utilities Commission of Ohio

Samuel C. Randazzo
Scott Elisar
McNees Wallace & Nurick LLC
21 East State Street, 17th Floor
Columbus, OH 43215-4228
sam@mwncmh.com
selisar@mwncmh.com

Counsel for U.S. Steel Seamless Tubular Operations, LLC.

/s/ Erika Ostrowski
Attorney for Ohio Edison Company

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Summary: Motion to Intervene and Memorandum in Support electronically filed by Ms. Erika Ostrowski on behalf of Ohio Edison Company