

In the Matter of the Commission's Investigation of)
Submetering in the State of Ohio)

Case No. 15-1594-AU-COI

**MOTION TO INTERVENE OF THE
BUILDING OWNERS AND MANAGERS ASSOCIATION OF GREATER CLEVELAND
AND
THE BUILDING OWNERS AND MANAGERS ASSOCIATION OF OHIO**

Pursuant to Ohio Revised Code Section (“R.C.”) 4903.221 and Ohio Administrative Code (“OAC”) Rule 4901-1-11, the Building Owners and Managers Association of Greater Cleveland (“BOMA Cleveland”) and the Building Owners and Managers Association of Ohio (“BOMA Ohio”, collectively “BOMA”) respectfully request that the Public Utilities Commission of Ohio (“Commission”) grant their motion to intervene in this proceeding. The reasons supporting BOMA’s intervention are contained in the accompanying Memorandum in Support.

Respectfully submitted,



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The Building Owners and Managers Association of Cleveland (“BOMA Cleveland”) represents nearly 40 million square feet of office space in the greater Cleveland area that houses more than 2,000 companies with exiting lease arrangements.

BOMA Ohio and BOMA Cleveland (collectively, “BOMA”) represent a significant number of Ohio’s commercial landlords who have a substantial interest in this proceeding – specifically, that the leasing arrangements they enter into with sophisticated commercial customers not be subject to the burdens and expense of regulation by the Commission.

R.C. 4903.221(B) and OAC Rule 4901-1-11(A)(2) govern intervention in Commission proceedings. Substantially similar in substance, these provisions explain that the Commission may consider the following in determining whether to grant intervention:

- (1) The nature and extent of the person’s interest;¹
- (2) The legal position of the person seeking intervention and its relation to the merits of the case;²
- (3) Whether intervention would unduly delay the proceeding or unjustly prejudice any existing party;³
- (4) The person’s potential contribution to full development and equitable resolution of the issues involved in the proceeding;⁴ and
- (5) The extent to which the person’s interest is represented by existing parties.⁵

BOMA recognizes that this proceeding is uncontested and that it is statutorily permitted to seek rehearing pursuant to R.C. 4903.10. BOMA seeks formal party status to further protect its interest in this matter on rehearing and potential appeal.

¹ RC 4903.221(B)(1) and OAC Rule 4901-1-11(B)(1).

² RC 4903.221(B)(2) and OAC Rule 4901-1-11(B)(2).

³ RC 4903.221(B)(3) and OAC Rule 4901-1-11(B)(3).

⁴ RC 4903.221(B)(4) and OAC Rule 4901-1-11(B)(4).

⁵ OAC Rule 4901-1-11(B)(5).

BOMA's motion to intervene is timely because no hearing has been held in this case and the Commission's Order is not yet final. Moreover, it has a real and substantial interest in this proceeding, the legal issues it intends to raise directly relate to the merits of this case, and it will contribute to the full development and equitable resolution of issues in this proceeding – all as reflected in BOMA's application for rehearing contemporaneously filed this date, which it expressly incorporates by reference herein.

BOMA's intervention will not delay this proceeding because its participation is limited to seeking rehearing of the Commission's expansive ruling. Further, BOMA's unique and pecuniary interests are not represented by any other party. Disposition of this proceeding without BOMA's participation will impair or impede its ability to protect these interests.

WHEREFORE, and for the reasons set forth above, BOMA respectfully requests that the Commission grant its motion to intervene.

Respectfully submitted,



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Association of Greater Cleveland and
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Motion to Intervene was served upon the parties of record listed below this 6th day of January 2017 *via* electronic mail.



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Summary: Motion to Intervene of the Building Owners and Managers Association of Greater Cleveland and the Building Owners and Managers Association of Ohio electronically filed by Teresa Orahod on behalf of Glenn S. Krassen