

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Filing by Ohio)
Edison Company, The Cleveland)
Electric Illuminating Company, and) Case No. 17-2436-EL-UNC
The Toledo Edison Company)
Application for Approval of a)
Distributed Platform Modernization Plan)

**REVISED MOTION TO INTERVENE AND MEMORANDUM IN SUPPORT
OF INDUSTRIAL ENERGY USERS-OHIO**

Frank P. Darr (Reg. No. 0025469)
(Counsel of Record)
Matthew R. Pritchard (Reg. No. 0088070)
MCNEES WALLACE & NURICK LLC
21 East State Street, 17TH Floor
Columbus, OH 43215
Telephone: (614) 469-8000
Telecopier: (614) 469-4653
fdarr@mwncmh.com
(willing to accept service by e-mail)
mpritchard@mwncmh.com
(willing to accept service by e-mail)

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Attorneys for Industrial Energy Users-Ohio

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Industrial Energy Users-Ohio (“IEU-Ohio”) hereby respectfully moves the Public Utilities Commission of Ohio (“Commission”), pursuant to R.C. 4903.221 and Rule 4901-1-11, Ohio Administrative Code, for leave to intervene in the above-captioned matter 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. The reasons supporting this motion are set out in the accompanying Memorandum in Support.

Respectfully submitted,

/s/ Frank P. Darr

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MEMORANDUM IN SUPPORT

In support of this Motion to Intervene, IEU-Ohio states that it is an association of ultimate customers. A current listing of IEU-Ohio member companies is available on IEU-Ohio's website at http://www.ieu-ohio.org/member_list.aspx. IEU-Ohio's members purchase substantial amounts of electric and related services from Ohio's electric distribution utilities ("EDU").

IEU-Ohio's members work together to address matters that affect the availability and price of utility services. Additionally, IEU-Ohio seeks to promote customer-driven policies that will assure an adequate, reliable, and efficient supply of energy for all consumers at competitive prices. To this end, IEU-Ohio has worked and will continue to work to produce legislative, regulatory, and market outcomes that are consistent with the State policy contained in R.C. 4928.02.

On December 1, 2017, Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company (collectively "FE") filed an application seeking approval of a distribution platform modernization plan ("DPMP"). As described in the application, FE states it will engage in a three-year effort that includes \$450 million in capital expenditures. Application at 4-7. It seeks authorization for cost

recovery that would include depreciation expense, property tax expense, return on equity, interest expense, income and other taxes, and operations and maintenance expenses. *Id.* at 7. Allocation of costs would be based on the cost of service study derived from Schedule A in FE's 2007 rate case. *Id.*, Attachment C.

R.C. 4903.221 provides:

Any other person who may be adversely affected by a public utilities commission proceeding may intervene in such proceeding, provided:

(A) That such other person files a motion to intervene with the commission no later than:

(1) Any specific deadline established by order of the commission for purposes of a particular proceeding; or, if no such deadline is established;

(2) Five days prior to the scheduled date of hearing. The public utilities commission may, in its discretion, grant motions to intervene which are filed after the deadlines set forth in divisions (A)(1) and (2) of this section for good cause shown.

(B) That the commission, in ruling upon applications to intervene in its proceedings, shall consider the following criteria:

(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.

See, also, Rule 4901-1-11, OAC. Under R.C. 4903.221 and the Commission's rule, the Commission is to liberally grant intervention. *Ohio Consumers' Counsel v. Pub. Utils. Comm'n of Ohio*, 111 Ohio St. 3d 384 (2006).

Under the applicable requirements, IEU-Ohio should be granted intervention.

Initially, IEU-Ohio has an interest that may be affected by this matter because the costs of the proposed DPMP would be collected from members of IEU-Ohio through a customer charge. Further, other parties may seek modifications to the proposed charges that may adversely affect IEU-Ohio members.

IEU-Ohio's participation will not unduly prolong or delay this proceeding. The Commission has not set a date by which intervention must be filed and this motion complies with the requirements of R.C. 4903.221. Further, IEU-Ohio is an experienced participant in Commission proceedings.

Finally, IEU-Ohio's participation will contribute to the full development and equitable resolution of the factual issues. As a party with significant experience in regard to the issues involving FE in various Commission proceedings, IEU-Ohio can provide the Commission with a point of view of the matter before the Commission from the large industrial customer's prospective. This insight and experience will assist the Commission in assuring an equitable outcome.

Based on these representations, IEU-Ohio 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. Therefore, the Commission should grant its Motion to Intervene.

Respectfully submitted,

/s/ Frank P. Darr

Frank P. Darr (Reg. No. 0025469)

(Counsel of Record)

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mpritchard@mwncmh.com

Attorneys for Industrial Energy Users-Ohio

CERTIFICATE OF SERVICE

In accordance with Rule 4901-1-05, Ohio Administrative Code, 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 Industrial Energy Users-Ohio* was sent by, or on behalf of, the undersigned counsel for IEU-Ohio to the following parties of record this 8th day of December, 2017, *via* electronic transmission.

/s/ Frank P. Darr

Frank P. Darr

Carrie M. Dunn-Lucco (0076952)

(Counsel of Record)

Joshua R. Eckert (0095715)

FIRSTENERGY SERVICE COMPANY

76 South Main Street

Akron, OH 44308

cdunn@firstenergycorp.com

jeckert@firstenergycorp.com

James F. Lang (0059668)

Mark T. Keaney (0095318)

CALFEE, HALTER & GRISWOLD LLP

1405 Calfee Building

1405 East Sixth Street

Cleveland, OH 44114

jlang@calfee.com

mkeaney@calfee.com

**COUNSEL FOR OHIO EDISON COMPANY,
THE CLEVELAND ELECTRIC ILLUMINATING
COMPANY, AND THE TOLEDO EDISON
COMPANY**

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Summary: Motion Revised Motion to Intervene and Memorandum In Support of Industrial Energy Users-Ohio electronically filed by Mr. Frank P Darr on behalf of Industrial Energy Users-Ohio