

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Commission's Investigation of       )  
the Financial Impact of the Tax Cuts and Jobs Act of       )     Case No. 18-47-AU-COI  
2017 on Regulated Utility Companies.                        )

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**NORTHEAST OHIO PUBLIC ENERGY COUNCIL'S  
MOTION TO INTERVENE**

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Pursuant to R.C. 4903.221, and O.A.C. Rule 4901-1-11, the Northeast Ohio Public Energy Council ("NOPEC") respectfully requests that the Public Utilities Commission of Ohio grant its motion to intervene in this proceeding. The reasons supporting NOPEC's motion to intervene are contained in the accompanying Memorandum in Support.

Respectfully submitted,



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**MEMORANDUM IN SUPPORT**

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**I.     INTRODUCTION**

The Northeast Ohio Public Energy Council (“NOPEC”) is a regional council of governments established under R.C. Chapter 167, and is the largest governmental retail energy aggregator in Ohio. It is comprised of approximately 220 member communities in the thirteen (14) northern Ohio counties of Ashtabula, Athens, Lake, Geauga, Cuyahoga, Summit, Lorain, Medina, Trumbull, Portage, Huron, Columbiana, Mahoning, and Seneca. NOPEC provides electric aggregation service to approximately 500,000 retail electric customers, and provides natural gas aggregation service to over 300,000 retail natural gas customers. NOPEC has been an active participant in Ohio’s competitive natural gas and electric markets since their inception, and has arranged supply contracts that have resulted in customer savings of more than \$300 million since 2001.

The Commission initiated this investigation by entry issued January 10, 2018, asking for comments from all interested stakeholders to assist it in studying the impacts of the Tax Cuts and Jobs Act of 2017 (“TCJA”). Specifically, the PUCO asked for comments on:

- (1) the components of the utility rates that the PUCO will need to reconcile with the TCJA; and
- (2) the process and mechanics for how the PUCO should do so.

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

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

NOPEC has a vital interest that its members and its customers have the lowest total energy bills possible. Its interest extends to ensuring that the windfalls regulated utilities will receive as a result of the TCJA will be passed on their ratepayers, who provide the funds to pay the utilities' federal tax obligations.

NOPEC's motion to intervene also will not unduly delay this proceeding, or unjustly prejudice any existing party. NOPEC will work cooperatively with others in the case in order to maximize case efficiency where practical, to reach an equitable resolution of all issues.

Finally, NOPEC submits that no current party represents its unique interests in assuring that rates to its member customers are just and reasonable. Disposition of this proceeding without its participation will impair or impede NOPEC's ability to protect those interests.

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<sup>1</sup> R.C. 4903.221(B)(1) and OAC 4901-1-11(B)(1).

<sup>2</sup> R.C. 4903.221(B)(2) and OAC 4901-1-11(B)(2).

<sup>3</sup> R.C. 4903.221(B)(3) and OAC 4901-1-11(B)(3).

<sup>4</sup> R.C. 4903.221(B)(4) and OAC 4901-1-11(B)(4).

<sup>5</sup> OAC 4901-1-11(B)(5).

WHEREFORE, NOPEC respectfully request that its motion to intervene be granted.

Respectfully submitted,



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## 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* was sent by, or on behalf of, the undersigned counsel to the following parties of record this 15<sup>th</sup> day of February 2018.



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Dane Stinson

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**This foregoing document was electronically filed with the Public Utilities**

**Commission of Ohio Docketing Information System on**

**2/15/2018 4:49:31 PM**

**in**

**Case No(s). 18-0047-AU-COI**

Summary: Motion to Intervene electronically filed by Dane Stinson on behalf of Northeast Ohio Public Energy Council