

**BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO**

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

**CALPINE ENERGY SOLUTIONS LLC'S MOTION TO INTERVENE**

Calpine Energy Solutions, LLC respectfully moves the Public Utilities Commission of Ohio to grant it leave to intervene in the above-styled cases pursuant to Ohio Revised Code §4903.221 and Ohio Administrative Code §4901-1-11. The reasons supporting this Motion are set out in the attached Memorandum in Support.

Respectfully submitted,

/s/ Michael D. Dortch

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## **MEMORANDUM IN SUPPORT**

### **I. FACTS**

Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company (collectively known as “First Energy”) are electric distribution utilities (“EDU”). On December 1, 2017, First Energy filed an application (“Application”) with the Public Utilities Commission of Ohio (“PUCO” or “Commission”) for approval of its Distribution Platform Modernization Plan (“DPMP”). In the DPMP, First Energy seeks approval to expend approximately \$450 million to modernize its electric distribution platform, and recover the costs of this modernization over a five (5) year period from First Energy’s customers. First Energy’s Application was docketed as Case No. 17-2436-EL-UNC.

### **I. LAW AND ARGUMENT**

For purposes of considering requests for leave to intervene in a Commission proceeding, the Ohio Administrative Code (“O.A.C.”) provides that:

Upon timely motion, any person shall be permitted to intervene in a proceeding upon a showing that: . . . (2) The 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 person's interest is adequately represented by existing parties.

O.A.C. §4901-1-11(A).

Further, Ohio Rev. Code (“R.C.”) §4903.221(B) and O.A.C. § 901-1-11(B) provide 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.

R.C. § 4903.221(B). Further, the Ohio Supreme Court has stated that “intervention ought to be liberally allowed so that the positions of all persons with a real and substantial interest in the proceedings can be considered by the PUCO.” *Ohio Consumers’ Counsel v. Pub. Util. Comm.*, 111 Ohio St.3d 384, 388 (2006).

In this case, Calpine Energy Solutions, LLC (“Calpine Solutions”) has a real and substantial interest in the proceeding and may experience negative economic impacts if First Energy’s Application is approved. Calpine Solutions currently sells competitive retail electric services (“CRES”) to mercantile customers in Ohio. As a CRES provider, Calpine Solutions is committed to participate in and promote competitive energy markets. In its Application, First Energy has asked the Commission for several items that could impact the competitive energy market. The disposition of this proceeding could therefore impair Calpine Solutions’ ability to protect its interest in maintaining and growing the competitive electric service markets in Ohio.

Second, Calpine Solutions’ perspective is not represented by the current parties to this matter. There are currently no other CRES providers seeking intervention in this case and therefore Calpine Solution’s perspective is not represented in this matter. However, should other CRES providers seek intervention, their business and marketing strategies are also likely to diverge widely from that of Calpine Solutions, and from those of each other.

Third, Calpine Solutions’ intervention will not unduly prolong or delay the proceedings as this Motion is being filed before a case schedule has been created.

Finally, Calpine Solutions will significantly contribute to the development, and ultimate resolution, of the facts and issues in this case by providing the perspective of a CRES provider that exclusively markets to mercantile customers.

For the reasons set forth above, Calpine Solutions respectfully requests the Commission grant its Motion to Intervene.

Respectfully submitted,

/s/ Michael D. Dortch

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**CERTIFICATE OF SERVICE**

In accordance with Rule §4901-1-05 of the Ohio Administrative Code, the PUCO's e-filing system will electronically service notice of this filing upon all parties.

/s/ Michael D. Dortch  
Michael D. Dortch

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

**Commission of Ohio Docketing Information System on**

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**in**

**Case No(s). 17-2436-EL-UNC**

Summary: Motion Calpine Energy Solutions, LLC's Motion to Intervene in Case No. 17-2436-EL-UNC. electronically filed by Mr. Justin M Dortch on behalf of Calpine Energy Solutions LLC