

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Ohio Edison)
Company, The Cleveland Electric Illuminating) Case No. 18-1604-EL-UNC
Company and The Toledo Edison Company to)
Implement Matters Relating to the Tax Cuts
and Jobs Act of 2017

**MOTION TO INTERVENE OF
THE OHIO MANUFACTURERS' ASSOCIATION ENERGY GROUP**

Pursuant to Section 4903.221, Revised Code, and Rule 4901-1-11, Ohio Adm. Code, the Ohio Manufacturers' Association Group (OMAEG) respectfully moves the Public Utilities Commission of Ohio (Commission) for leave to intervene in the above-captioned matter with the full powers and rights granted to intervening parties. As demonstrated in the attached memorandum in support, OMAEG has real and substantial interests that this proceeding may adversely affect, and no existing parties adequately represent those interests. The Commission should grant this motion because OMAEG satisfies the standard for intervention set forth by statute and in the Commission's rules. A memorandum in support is attached.

Respectfully submitted,

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MEMORANDUM IN SUPPORT

On October 30, 2018, the Ohio Edison Company, the Cleveland Electric Illuminating Company, and the Toledo Edison Company (collectively, FirstEnergy) filed an Application to Implement Matters Relating to the Tax Cuts and Jobs Act of 2017 (TCJA) with the Public Utilities Commission of Ohio (Commission).¹ FirstEnergy initiated this proceeding in order to resolve issues related to the impact of the TCJA on the rates charged to customers and to establish a process specific to FirstEnergy to facilitate an efficient resolution of those TCJA impacts.² To date, however, FirstEnergy has not detailed any proposal of the changes to rates it seeks to implement in this proceeding. FirstEnergy also has also not given any indication to customers as to how it proposes to resolve the outstanding issues currently being addressed in the Commission's investigation into the TCJA in Case No. 18-0047-AU-COI. Accordingly, OMAEG hereby moves to intervene in this matter in order to ensure that the tax savings benefits of the TCJA are appropriately and fully realized by OMAEG members.

Ohio Adm. Code 4901-1-11 permits intervention by an affected party that has a real and substantial interest in the proceeding and who is so situated that the disposition of the proceeding may impair or impede its ability to protect that interest and whose interest is not adequately

¹ See FirstEnergy's Application to Implement Matters Relating to the Tax Cuts and Jobs Act of 2017 (Application) (October 30, 2018).

² See Application at ¶ 3.

represented by an existing party. Similarly, R.C. 4903.221 authorizes intervention in accordance with Commission-established deadlines where a party: may be adversely affected by the proceeding; will contribute to a full development and equitable resolution of factual issues; and will not unduly prolong or delay the proceedings.

OMAEG is a non-profit entity that strives to improve business conditions in Ohio and drive down the cost of doing business for Ohio manufacturers. OMAEG members and their representatives work directly with elected officials, regulatory agencies, the judiciary, and the media to provide education and information to energy consumers, regulatory boards and suppliers of energy; advance energy policies to promote an adequate, reliable, and efficient supply of energy at reasonable prices; and advocate in critical cases before the Commission. OMAEG members purchase electric services from FirstEnergy and will see their bills impacted by any TCJA-related adjustments made in this proceeding.

OMAEG has been a participant in other cases before the Commission involving rates charged by regulated Ohio utilities, including, but not limited to, proceedings instituted by other utilities or the Commission regarding the impacts of the TCJA³. Here, OMAEG has an interest in ensuring that the tax savings realized by FirstEnergy through the TCJA are passed on to customers fairly and promptly. Additionally, OMAEG has an interest in confirming that this proceeding addresses the entire effect of the TCJA. OMAEG is also troubled by the lack of information

³ See e.g., *In the Matter of Ohio Power Company's Implementation of the Tax Cuts and Jobs Act of 2017*, Case No. 18-1007-EL-UNC; *In the Matter of the Application of Ohio Power Company to Establish the Tax Savings Credit Rider*, Case No. 18-1451-EL-ATA; *In the Matter of the Application of Duke Energy Ohio, Inc., for Implementation of the Tax Cuts and Jobs Act of 2017*, Case No. 18-1185-EL-UNC; *In the Matter of the Application of Duke Energy Ohio, Inc. for Approval of Tariff Amendments*, Case No. 18-1186-EL-ATA; *In the Matter of the Commission's Investigation of the Financial Impact of the Tax Cuts and Job Acts of 2017 on Regulated Ohio Utility Companies*, Case No. 18-0047-AU-COI.

provided by FirstEnergy inasmuch as it has not given any details as to how it plans to address the TCJA in its rates charged to customers.

OMAEG has a direct, real, and substantial interest in the issues raised in this proceeding and is so situated that the disposition of the proceeding may, as a practical matter, impair or impede its ability to protect that interest. OMAEG is regularly and actively involved in Commission proceedings and, as in previous proceedings, OMAEG's unique knowledge and perspective will contribute to the full development and equitable resolution of the issues in this proceeding. OMAEG's interest will not be adequately represented by other parties to the proceeding and its timely intervention will not unduly delay or prolong the proceeding.

As discussed above, OMAEG satisfies the criteria for intervention set out in R.C. 4903.221 and Ohio Adm. Code 4901-1-11. OMAEG, therefore, respectfully requests that the Commission grant this motion, allow OMAEG to intervene with the full powers and rights granted by the Commission to intervening parties, and make OMAEG a full party of record.

Respectfully submitted,

/s/ Kimberly W. Bojko
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Counsel for OMAEG

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing was served upon all parties of record via electronic mail November 2, 2018.

/s/ Brian W. Dressel

Brian W. Dressel

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Case No(s). 18-1604-EL-UNC

Summary: Motion Motion to Intervene of the Ohio Manufacturers' Association Energy Group electronically filed by Ms. Cheryl A Smith on behalf of The Ohio Manufacturers' Association Energy Group