

**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 of a Grid Modernization) Case No. 16-0481-EL-UNC
Business Plan.)

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

Pursuant to R.C. 4903.221, and O.A.C. 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

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 fourteen (14) 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 about 400,000 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.

On February 29, 2016, Ohio Edison Company, The Cleveland Illuminating Company, and Toledo Edison Company (collectively, “FirstEnergy”) filed an application for approval of its Grid Modernization Business Plan (the “GMB Plan”). In the GMB Plan, FirstEnergy seeks to establish a structure for deploying Advanced Metering Infrastructure (“AMI”) to its customers in its certified service territory. FirstEnergy further seeks to establish an Advanced Distribution Management System within its territory.

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;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

NOPEC has a real and substantial interest in this proceeding considering FirstEnergy will seek cost recovery of its GMB Plan from its customers, including NOPEC members, affecting their overall energy costs. NOPEC has a substantial interest that its participating members are assessed only reasonable costs and that those costs are fairly allocated among the FirstEnergy operating companies' customer classes.

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.

¹ R.C. 4903.221(B)(1) and OAC 4901-1-11(B)(1).

² R.C. 4903.221(B)(2) and OAC 4901-1-11(B)(2).

³ R.C. 4903.221(B)(3) and OAC 4901-1-11(B)(3).

⁴ R.C. 4903.221(B)(4) and OAC 4901-1-11(B)(4).

⁵ 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 7th day of November 2018.



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Summary: Motion to Intervene of Northeast Ohio Public Energy Council electronically filed by
Teresa Orahod on behalf of Dane Stinson and Glenn S. Krassen