

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Review of Ohio Edison)	
Company, The Cleveland Electric Illuminating)	
Company, and The Toledo Edison Company's)	Case No. 17-974-EL-UNC
Compliance with R.C. 4928.17 and Ohio)	
Admin. Code Chapter 4902:1-37.)	

**MOTION FOR LEAVE TO FILE MOTION TO INTERVENE AND
MOTION TO INTERVENE OF
RETAIL ENERGY SUPPLY ASSOCIATION**

In accordance with R.C. 4903.221 and Ohio Adm. Code 4901-1-11, the Retail Energy Supply Association (RESA) respectfully requests issuance of an order granting intervention in this proceeding. Although motions to intervene were due by October 9, 2018, good cause exists to grant intervention.

As set forth in the attached Memorandum in Support, RESA has a direct, real, and substantial interest in the issues involved in this proceeding, and is so situated that the disposition of this proceeding without RESA's participation may, as a practical matter, impair or impede RESA's ability to protect this interest. RESA's interests will not be adequately represented by other parties.

RESA recognizes that the procedural schedule set forth in the September 20, 2018 Entry set a deadline of October 9, 2018 for the filing of motions to intervene. RESA did not seek intervention because the issues in this proceeding are substantially similar to the issues raised by RESA in Case No. 18-736-EL-CSS. On January 15, 2019, the Attorney Examiner issued a stay of the complaint proceeding for precisely this reason. Therefore, good cause exists under R.C. 4903.221 to permit intervention at this time. Accordingly, RESA respectfully requests that the Commission grant its motion to intervene.

Respectfully submitted,

/s/ Mark A. Whitt

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ATTORNEYS FOR RETAIL ENERGY
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MEMORANDUM IN SUPPORT

R.C. 4903.221 confers a right to intervene to any person who may be “adversely affected” by a Commission proceeding. In considering a request to intervene, the Commission must consider the nature of the intervenor’s interest, the extent that interest is represented by existing parties, the intervenor’s potential contribution to a just and expeditious resolution of the issues, and whether intervention would unduly delay the proceeding. *See* R.C. 4903.221(B)(1-4). *See also* Ohio Admin. Code 4901-1-11.

RESA meets all of the criteria for intervention. RESA is a non-profit 501(c)(6) organization headquartered in Harrisburg, Pennsylvania.¹ Its member companies supply retail electricity and natural gas to residential, commercial, industrial, and governmental customers throughout the United States. In Ohio, RESA members serve customers throughout the state, including the service territory of the FirstEnergy companies. RESA is and has historically been active in many electric industry proceedings at the Commission since its inception.

RESA’s Ohio members have existing and potential business interests in the service territories of the FirstEnergy EDUs that could be affected by the outcome of this proceeding. Further, RESA has a pending complaint against the FirstEnergy EDUs in Case No. 18-736-EL-CSS on a related matter. That complaint proceeding has been stayed pending the outcome of this proceeding; therefore, RESA would be prejudiced if not permitted to participate here. These unique circumstances constitute good cause for the Commission to exercise its discretion as allowed by R.C. 4903.221 and grant RESA intervention out of time.

¹ The comments expressed in this filing represent the position of the Retail Energy Supply Association (RESA) as an organization but may not represent the views of any particular member of the Association. Founded in 1990, RESA is a broad and diverse group of retail energy suppliers dedicated to promoting efficient, sustainable and customer-oriented competitive retail energy markets. RESA members operate throughout the United States delivering value-added electricity and natural gas service at retail to residential, commercial and industrial energy customers. More information on RESA can be found at www.resausa.org.

The interests of the RESA membership cannot be adequately represented by other parties. The outcome in this matter has the potential to affect the continued viability of the competitive retail electric market in Ohio, where RESA members provide electric power and other products and services to retail customers. RESA's participation in this proceeding will contribute to a just resolution of the issues affecting its members, and will not unduly prolong or delay the proceeding.

Accordingly, RESA respectfully requests that the Commission grant this Motion for Leave to File Motion to Intervene, and Motion to Intervene, so that RESA may acquire the rights of a full party of record.

Dated: January 29, 2019

Respectfully submitted,

/s/ Mark A. Whitt
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ATTORNEYS FOR RETAIL ENERGY
SUPPLY ASSOCIATION

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion to Intervene, Request for Leave to File Out of Time, and Memorandum in Support was served by electronic mail this 29th day of January, 2019 to the following:

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/s/ Rebekah J. Glover

One of the Attorneys for Retail Energy Supply
Association

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

1/29/2019 5:01:24 PM

in

Case No(s). 17-0974-EL-UNC

Summary: Motion for Leave to File Motion to Intervene and Motion to Intervene electronically filed by Ms. Rebekah J. Glover on behalf of Retail Energy Supply Association