

In the Matter of the Application of )  
North Star BlueScope Steel for Approval ) Case No. 19-0950-EL-AEC  
of a Reasonable Arrangement )

Pursuant to Ohio Revised Code § 4903.221 and Rule 4901-1-11, O.A.C., The Toledo Edison Company (“Company”) respectfully moves the Public Utilities Commission of Ohio (“Commission”) for leave to intervene out of time in this proceeding with the full rights and powers granted by the Commission, specifically by statute or by the provisions of the Ohio Administrative Code, to intervening parties. The Company has a real and substantial interest in this proceeding and its interests, which may be prejudiced by this proceeding and are not adequately represented by the existing parties. Thus, for these reasons, and as set forth more fully in the attached memorandum in support, the Company respectfully requests that the Commission grant this request to intervene out of time.

Respectfully submitted,

*/s/ Scott J. Casto*  


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 Scott J. Casto (0085756)  
 FIRSTENERGY SERVICE COMPANY  
 76 South Main Street  
 Akron, OH 44308  
 Telephone: (330) 761-7835  
 scasto@firstenergycorp.com

*Attorney for Toledo Edison Company*

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O.A.C. 4901-1-11 (A) (emphasis added). “The regulation’s text is very similar to Civ.R. 24 – the rule governing intervention in civil cases in Ohio – which is generally liberally construed in favor of intervention.” *Ohio Consumers’ Counsel v. Pub. Util. Comm.*, 111 Ohio St. 3d 384, 387 (2006) (internal quotations omitted). In considering a motion to intervene, the Commission is directed to both O.R.C. § 4903.221 and O.A.C. 4901-1-

11(B) to consider a number of criteria, each of which is clearly satisfied by the Company's Motion to Intervene. The following criteria are as follows:

- (B) In deciding whether to permit intervention under paragraph (a)(2) of this rule, the commission, the legal director, the deputy legal director, or an attorney examiner shall consider:
- (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 perspective 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.
  - (5) The extent to which the person's interest is represented by existing parties.<sup>1</sup>

The Company has number of real and substantial interests in this proceeding that are central to the requested reasonable arrangement. The Company will be one of the signatory parties to the contract underlying the reasonable arrangement requested in this proceeding. Therefore, the outcome of this proceeding will have a direct impact upon the Company. The Company is also knowledgeable about the approach being proposed as part of the reasonable arrangement. Additionally, counsel for the Applicant represented that Applicant has no objection to the Company's intervention.

The Company plans to participate in the proceeding to help assure that potential impacts identified as arising from the Reasonable Arrangement will be fully vetted. The Company plans to work with Staff, the Applicant and other intervenors and may provide testimony or comments in this proceeding to help develop the record for the Commission's consideration.

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<sup>1</sup> This criterion is found only in O.A.C. 4901-1-11(B), and not in O.R.C. § 4903.221.

The Company's participation in this proceeding will not unduly delay or prolong the proceeding. The Company's participation will provide assistance to the Commission and its evaluation of the proposed Reasonable Arrangement. The Company has worked with many customers over the years in the development and implementation of reasonable arrangements and will use that historical knowledge and expertise in this proceeding to assist the Commission in reaching a reasonable result and to provide a solid precedent to be relied upon going forward.

The Companies are also uniquely positioned to protect and balance the interest of their customers and shareholders through supporting efforts what will help mitigate costs that may be imposed upon customers and then providing for a reasonable recovery mechanism for those costs.

As shown above, the Company's Motion for Leave to Intervene Out of Time satisfies each of the criteria the Commission must consider in granting intervention. The Commission has granted late intervention in the past, especially in circumstances such as these when the deadline for testimony has not yet passed and no hearing has yet been scheduled. Therefore, the Company respectfully requests that the Commission grant its Motion to Intervene and allow it to represent its interests in this proceeding.

Respectfully submitted,

/s/ Scott J. Casto

Scott J. Casto (0085756)  
FIRSTENERGY SERVICE COMPANY  
76 South Main Street  
Akron, OH 44308  
Telephone: (330) 761-7835  
[scasto@firstenergycorp.com](mailto:scasto@firstenergycorp.com)  
*Attorney for Toledo Edison Company*

## **CERTIFICATE OF SERVICE**

A copy of the foregoing *Motion for Leave to Intervene Out of Time* and the *Memorandum in Support* have been served by electronic mail, this 13<sup>th</sup> day of May, 2019 upon the following parties.

/s/ Scott J. Casto

Scott J. Casto

mkurtz@BKLawfirm.com  
jkylercohn@BKLawfirm.com  
Dressel@carpenterlipps.com  
bojko@carpenterlipps.com

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Summary: Motion for Leave to Intervene Out of Time and Memorandum in Support electronically filed by Mr. Scott J Casto on behalf of The Toledo Edison Company