

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of The Application of Ohio)	
Edison Company, The Cleveland Electric)	
Illumination Company, and The Toledo Edison)	Case No. 19-2080-EL-ATA
Company for Approval of a Decoupling)	Case No. 19-2081-EL-AAM
Mechanism.)	

**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 NOPEC's motion to intervene in this proceeding. The reasons supporting NOPEC's motion to intervene are contained in the accompanying Memorandum in Support.

Respectfully submitted,



Glenn S. Krassen (0007610)
BRICKER & ECKLER LLP
1001 Lakeside Avenue, Suite 1350
Cleveland, OH 44114
Telephone: (216) 523-5405
Facsimile: (216) 523-7071
E-mail: gkrassen@bricker.com

Dane Stinson (0019101)
BRICKER & ECKLER LLP
100 South Third Street
Columbus, OH 43215
Telephone: (614) 227-4854
Facsimile: (614) 227-2390
Email: dstinson@bricker.com

Attorneys for Northeast Ohio Public Energy
Council

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of The Application of Ohio)	
Edison Company, The Cleveland Electric)	
Illumination Company, and The Toledo Edison)	Case No. 19-2080-EL-ATA
Company for Approval of a Decoupling)	Case No. 19-2181-EL-AAM
Mechanism.)	

MEMORANDUM IN SUPPORT

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 235 member communities in nineteen (19) Ohio counties. NOPEC provides electric aggregation service to approximately 500,000 retail electric customers in The Cleveland Electric Illuminating Company’s and Ohio Edison Company’s service territories. NOPEC has been an active participant in each of the electric security plan (“ESP”) proceedings filed by these utilities, including those ESP’s which permitted the recovery of lost distribution revenues through the utilities’ energy efficiency rider.

On November 21, 2019, The Ohio Edison Company, The Cleveland Electric Illuminating Company and The Toledo Edison Company (collectively, “FirstEnergy”) filed an application for approval of a decoupling mechanism pursuant to R.C. 4928.471. The statute requires the Commission to rule on the application within 60 days of the date of its filing. On December 3, 2019, the Commission sought comments from interested parties regarding FirstEnergy’s application. NOPEC moves to intervene in this proceeding to reply to the initial comments of various stakeholders, and to protect the interests of its residential and small commercial customers.

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;²
- (2) The legal position of the person seeking intervention and its relation to the merits of the case;³
- (3) Whether intervention would unduly delay the proceeding or unjustly prejudice any existing party;⁴
- (4) The person's potential contribution to full development and equitable resolution of the issues involved in the proceeding;⁵ and
- (5) The extent to which the person's interest is represented by existing parties.⁶

NOPEC has a real and substantial interest in this proceeding because FirstEnergy seeks to implement the Conservation Support Rider ("Rider CSR") which will purportedly recover certain lost distribution revenues from FirstEnergy's residential and commercial customers. NOPEC's customers currently pay FirstEnergy for lost revenues through an energy efficiency rider. If the Commission approves FirstEnergy's application in this proceeding, NOPEC's governmental aggregation customers who reside in FirstEnergy's territory will be subject to Rider CSR, and potentially could pay for lost distribution revenues twice, which is prohibited by R.C. 4828.471(D). Therefore, the CSR Rider may have a direct impact on the electric customers NOPEC serves.

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

³ R.C. 4903.221(B)(2) and OAC 4901-1-11(B)(2).

⁴ R.C. 4903.221(B)(3) and OAC 4901-1-11(B)(3).

⁵ R.C. 4903.221(B)(4) and OAC 4901-1-11(B)(4).

⁶ O.A.C 4901-1-11(B)(5).

NOPEC's motion to intervene 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. NOPEC is the largest governmental retail energy aggregator within FirstEnergy's service area. Disposition of this proceeding without its participation will impair or impede NOPEC's ability to protect those interests.

WHEREFORE, NOPEC respectfully request that its motion to intervene be granted.

Respectfully submitted,



Glenn S. Krassen (0007610)
BRICKER & ECKLER LLP
1001 Lakeside Avenue, Suite 1350
Cleveland, OH 44114
Telephone: (216) 523-5405
Facsimile: (216) 523-7071
E-mail: gkrassen@bricker.com

Dane Stinson (0019101)
BRICKER & ECKLER LLP
100 South Third Street
Columbus, OH 43215
Telephone: (614) 227-4854
Facsimile: (614) 227-2390
Email: dstinson@bricker.com

Attorneys for Northeast Ohio Public Energy Council

CERTIFICATE OF SERVICE

In accordance with O.A.C. 4901-1-05, 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 27th day of December 2019.



Dane Stinson (0019101)

bknipe@firstenergycorp.com
edanford@firstenergycorp.com
cwatchorn@firstenergycorp.com
jlang@calfee.com
dparram@bricker.com
dborchers@bricker.com
paul@carpenterlipps.com
christopher.healey@occ.ohio.gov
angela.obrien@occ.ohio.gov
bojko@carpenterlipps.com
bryce.mckenney@occ.ohio.gov

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

12/27/2019 3:30:34 PM

in

Case No(s). 19-2080-EL-ATA, 19-2081-EL-AAM

Summary: Motion to Intervene of Northeast Ohio Public Energy Council electronically filed by
Teresa Orahod on behalf of Devin D. Parram