

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE DETERMINATION  
OF THE EXISTENCE OF SIGNIFICANTLY  
EXCESSIVE EARNINGS FOR 2018 UNDER  
THE ELECTRIC SECURITY PLANS OF OHIO  
EDISON COMPANY, THE CLEVELAND  
ELECTRIC ILLUMINATING COMPANY,  
AND THE TOLEDO EDISON COMPANY.

CASE NO. 19-1338-EL-UNC

IN THE MATTER OF THE DETERMINATION  
OF THE EXISTENCE OF SIGNIFICANTLY  
EXCESSIVE EARNINGS FOR 2019 UNDER  
THE ELECTRIC SECURITY PLANS OF OHIO  
EDISON COMPANY, THE CLEVELAND  
ELECTRIC ILLUMINATING COMPANY,  
AND THE TOLEDO EDISON COMPANY.

CASE NO. 20-1034-EL-UNC

ENTRY

Entered in the Journal on July 29, 2020

{¶ 1} Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company (collectively, FirstEnergy) are electric distribution utilities, as defined by R.C. 4928.01(A)(6), and public utilities, as defined in R.C. 4905.02, and, as such, are subject to the jurisdiction of this Commission.

{¶ 2} Pursuant to the directives of R.C. 4928.143(F), the Commission is required to evaluate the earnings of each electric utility's approved electric security plan to determine whether the plan or offer produces significantly excessive earnings for the electric utility.

{¶ 3} On July 15, 2019, FirstEnergy filed an application in Case No. 19-1338-EL-UNC for the administration of the significantly excessive earnings test, as required by R.C. 4928.143(F) and Ohio Adm.Code 4901:1-35-10 for 2018.

{¶ 4} On May 15, 2020, FirstEnergy filed an application in Case No. 20-1034-EL-UNC for the administration of the significantly excessive earnings test, as required by R.C. 4928.143(F) and Ohio Adm.Code 4901:1-35-10 for 2019.

{¶ 5} The Ohio Energy Group (OEG) moved to intervene in both above-captioned proceedings. In support of the motions, OEG states that it has a real and substantial interest in the proceedings because it represents the interests of large industrial customers that purchase electric distribution services from FirstEnergy. OEG further asserts that the Commission's disposition of these proceedings may impair or impede OEG's ability to protect said interest, and that intervention would not unduly delay the proceedings nor unjustly prejudice any existing party. No memoranda contra OEG's motions to intervene were filed.

{¶ 6} The Ohio Consumers' Counsel (OCC) also moved to intervene in both proceedings. OCC asserts that it is the state agency that represents Ohio's residential utility consumers and that it seeks intervention to protect the interests of FirstEnergy's residential utility customers. OCC adds that it satisfies the intervention standard in R.C. 4903.221 because the interest of Ohio's residential customers may be "adversely affected" by these cases. OCC avers that its role as a residential utility consumer advocate complies with the standards set forth in Ohio Adm.Code 4901-1-11(A)(2), which require that a party must have a real and substantial interest in a proceeding to intervene. Further, OCC asserts that the Supreme Court of Ohio has confirmed OCC's right to intervene. *See Ohio Consumers' Counsel v. Pub. Util. Comm.*, 111 Ohio St.3d 384, 2006-Ohio-5853, 856 N.E.2d 940. No memoranda contra OCC's motions to intervene were filed.

{¶ 7} Upon review, the attorney examiner finds that OEG and OCC have satisfied the intervention requirements set forth in R.C. 4903.221 and Ohio Adm.Code 4901-1-11. Accordingly, the Commission finds that motions to intervene filed by OCC and OEG are reasonable and should be granted.

{¶ 8} Further, the attorney examiner finds that these matters should be consolidated for administrative efficiency and set for hearing. Accordingly, these matters should be set for hearing on October 29, 2020, at 10:00 a.m., at the offices of the Commission, 180 East Broad Street, 11th Floor, Hearing Room 11-A, Columbus, Ohio 43215-3793. Additional

motions to intervene should be filed no later than September 29, 2020. Direct testimony should be pre-filed by October 15, 2020.

{¶ 9} It is, therefore,

{¶ 10} ORDERED, That the motions to intervene filed by OEG and OCC in Case Nos. 19-1338-EL-UNC and 20-1034-EL-UNC be granted. It is, further,

{¶ 11} ORDERED, That parties and interested persons adhere to the procedural schedule set forth in Paragraph 8. It is, further,

{¶ 12} ORDERED, That a copy of this Entry be served upon all parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/ Megan J. Addison

By: Megan J. Addison  
Attorney Examiner

JRJ/kck

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**in**

**Case No(s). 19-1338-EL-UNC, 20-1034-EL-UNC**

Summary: Attorney Examiner Entry granting the motions to intervene filed by OEG and OCC; setting procedural schedule as follows: additional motions to intervene should be filed no later than 9.29.20; direct testimony should be pre-filed by 10.15.20. electronically filed by Kelli C King on behalf of Megan J. Addison, Attorney Examiner, Public Utilities Commission of Ohio