



The reasons supporting NOPEC's intervention are contained in the accompanying Memorandum in Support.

Respectfully submitted,



---

Glenn S. Krassen (Reg. No. 0007610)  
Counsel of Record  
BRICKER & ECKLER LLP  
1001 Lakeside Avenue, Suite 1350  
Cleveland, OH 44114  
Telephone: (216) 523-5405  
Facsimile: (216) 523-7071  
E-Mail: [gkrassen@bricker.com](mailto:gkrassen@bricker.com)

Dane Stinson (Reg. No. 0019101)  
BRICKER & ECKLER LLP  
100 South Third Street  
Columbus, OH 43215-4291  
Telephone: (614) 227-2300  
Facsimile: (614) 227-2390  
E-Mail: [dstinson@bricker.com](mailto:dstinson@bricker.com)

Attorneys for Northeast Ohio Public Energy Council

**BEFORE  
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 ) Case No. 19-1338-EL-UNC  
Electric Illuminating Company, and The )  
Toledo Edison Company. )

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 ) Case No. 20-1034-EL-UNC  
Electric Illuminating Company, and The )  
Toledo Edison Company. )

In The Matter of The Quadrennial Review )  
Required By R.C. 4928.143(E) For The )  
Electric Security Plans of Ohio Edison )  
Company, The Cleveland Electric ) Case No. 20-1476-EL-UNC  
Illuminating Company, and The Toledo )  
Edison Company. )

**MEMORANDUM IN SUPPORT OF  
THE NORTHEAST OHIO PUBLIC ENERGY COUNCIL’S  
MOTION TO INTERVENE**

By Entry of September 4, 2020, the Public Utilities Commission of Ohio (“Commission”) initiated Case No. 20-1476-EL-UNC for the quadrennial review of the FirstEnergy electric distribution utilities’ (“FirstEnergy EDUs”)<sup>1</sup> fourth electric security plan approved in Case No. 14-1297-EL-SSO (“ESP IV”). The Entry also consolidated the quadrennial review proceeding with two pending cases initiated to determine whether the FirstEnergy EDUs’ had significantly excessive earnings in 2018 and 2019. Case Nos. 19-1338-EL-UNC and 20-1034-EL-UNC.

---

<sup>1</sup> The FirstEnergy EDUs are The Cleveland Electric Illuminating Company, The Toledo Edison Company, and Ohio Edison Company.

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 made up of approximately 235 member communities in nineteen (19) Ohio counties. NOPEC provides retail electric aggregation service to approximately 500,000 retail electric customers in its member communities. These customers predominantly reside in the CEI and OE electric service territories and pay CEI’s and OE’s electric distribution charges as well. NOPEC seeks to intervene in this proceeding to ensure that its customers continue to receive meaningful benefits from electric deregulation, as the General Assembly intended when it enacted R.C. 4928.20.

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

---

<sup>2</sup> R.C. 4903.221(B)(1) and OAC 4901-1-11(B)(1).

<sup>3</sup> R.C. 4903.221(B)(2) and OAC 4901-1-11(B)(2).

<sup>4</sup> R.C. 4903.221(B)(3) and OAC 4901-1-11(B)(3).

<sup>5</sup> R.C. 4903.221(B)(4) and OAC 4901-1-11(B)(4).

<sup>6</sup> O.A.C 4901-1-11(B)(5).

Consistent with these requirements, NOPEC has a real and substantial interest in the above-captioned proceeding. NOPEC was granted intervention and actively participated in the FirstEnergy EDU's ESP IV proceeding, which is the subject matter of this case, and the legal issues NOPEC intends to raise directly relate to the merits of this case. As the largest governmental retail energy aggregator in the State of Ohio, NOPEC is uniquely positioned to represent the interests of both large-scale governmental aggregators and the approximately 500,000 retail electric customers participating in NOPEC's aggregation within NOPEC member communities. Disposition of this proceeding without NOPEC's participation will impair or impede its ability to protect these unique interests.

Granting NOPEC's motion to intervene will not unduly delay these proceedings or unjustly prejudice any existing party because NOPEC is filing this motion prior to the deadline for filing motions to intervene set forth in the Commission's Entry issued September 4, 2020. NOPEC will work cooperatively with others in the case in order to maximize case efficiency where practical, but without compromising NOPEC's unique position as a large-scale governmental aggregator.

NOPEC's intervention and involvement in this case will contribute to the development of a more complete understanding of the meaning and impact of this case. In addition to its active participation in ESP IV, NOPEC also actively participated in each of the FirstEnergy EDUs' prior electric security plan cases (Case No. 08-0935-EL-SSO, 10-388-EL-SSO, and 12-1230-EL-SSO).

Based upon its unique status as the largest governmental aggregator in the State of Ohio, NOPEC submits that no current party represents its interests.

WHEREFORE, and for the reasons set forth above, NOPEC respectfully requests that the Commission grant its motion to intervene.

Respectfully submitted,



---


Glenn S. Krassen (Reg. No. 0007610)  
Counsel of Record  
BRICKER & ECKLER LLP  
1001 Lakeside Avenue, Suite 1350  
Cleveland, OH 44114  
Telephone: (216) 523-5405  
Facsimile: (216) 523-7071  
E-Mail: [gkrassen@bricker.com](mailto:gkrassen@bricker.com)

Dane Stinson (Reg. No. 0019101)  
BRICKER & ECKLER LLP  
100 South Third Street  
Columbus, OH 43215-4291  
Telephone: (614) 227-2300  
Facsimile: (614) 227-2390  
E-Mail: [dstinson@bricker.com](mailto:dstinson@bricker.com)

Attorneys for Northeast Ohio Public Energy Council

## CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served upon the following parties of record by e-mail and/or regular U.S. mail, this 9<sup>th</sup> day of September 2020.



---

Dane Stinson

rendris@firstenergycorp.com  
angela.obrien@occ.ohio.gov  
bryce.mckenney@occ.ohio.gov  
amy.botschner.obrien@occ.ohio.gov  
william.michael@occ.ohio.gov  
mkurtz@BKLawfirm.com  
kboehm@BKLawfirm.com  
jkylern@BKLawfirm.com  
bojko@carpenterlipps.com  
paul@carpenterlipps.com

**This foregoing document was electronically filed with the Public Utilities**

**Commission of Ohio Docketing Information System on**

**9/9/2020 4:42:55 PM**

**in**

**Case No(s). 19-1338-EL-UNC, 20-1034-EL-UNC, 20-1476-EL-UNC**

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