

**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)	Case No. 19-1338-EL-UNC
Cleveland 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)	Case No. 20-1034-EL-UNC
Cleveland 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)	Case No. 20-1476-EL-UNC
Edison Company, The Cleveland Electric Illuminating)	
Company, and the Toledo Edison Company)	

**NUCOR STEEL MARION, INC.'S MOTION FOR INTERVENTION
AND MEMORANDUM IN SUPPORT**

Michael K. Lavanga*
PHV #1014-2020
E-Mail: mkl@smxblaw.com

Counsel of Record

Joseph R. Briscar*
PHV #21216-2020
E-Mail: jrb@smxblaw.com
Stone Mattheis Xenopoulos & Brew, PC
1025 Thomas Jefferson Street, NW
Suite 800 West
Washington, DC 20007
(202) 342-0800 (Main Number)
(202) 342-0807 (Facsimile)
(willing to accept service by e-mail)

*Pending admission *pro hac vice*

Attorneys for Nucor Steel Marion, Inc.

**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)	Case No. 19-1338-EL-UNC
Cleveland 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)	Case No. 20-1034-EL-UNC
Cleveland 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 Illuminating)	Case No. 20-1476-EL-UNC
Company, and the Toledo Edison Company)	

**NUCOR STEEL MARION, INC.’S MOTION FOR INTERVENTION
AND MEMORANDUM IN SUPPORT**

I. MOTION FOR INTERVENTION

Pursuant to Ohio Revised Code §4903.221 and Ohio Administrative Code 4901-1-11, Nucor Steel Marion, Inc. (“Nucor”) respectfully moves the Public Utilities Commission of Ohio (the “Commission”) for leave to intervene in the above-captioned docket, for the reasons more fully set forth in the following Memorandum in Support.

II. MEMORANDUM IN SUPPORT

For purposes of considering requests for leave to intervene in a Commission proceeding, O.A.C. 4901-1-11(A) provides that:

Upon timely motion, any person shall be permitted to intervene in a proceeding upon a showing that: . . . (2) The person has a real and substantial interest in the proceeding, and the person is so situated that the disposition of the proceeding may, as a practical matter, impair or impede his or her ability to protect that interest, unless the person's interest is adequately represented by existing parties.

Further, R.C. § 4903.221(B) and O.A.C. 4901-1-11(B) provide that the Commission, in ruling upon applications to intervene in its proceedings, shall consider the following criteria:

(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 prospective 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.

O.A.C. 4901-1-11(B) also provides that an additional factor in considering a request to intervene will be the extent to which the person's interest is represented by existing parties.

Nucor is a large industrial consumer of electricity delivered to it by the Ohio Edison Company ("Ohio Edison"). Nucor uses electricity throughout its operations, but in particular, Nucor uses substantial quantities of electricity to melt steel scrap, recycling it to make new steel. The cost of electricity is critical to Nucor's competitiveness in the national and international steel markets.

On September 4, 2020, the Attorney Examiner issued an Order opening Case No. 20-1476-EL-UNC to conduct the quadrennial review of FirstEnergy's effective electric service plan ("ESP") and consolidated that case with Case Nos. 19-1338-EL-UNC and 20-1034-EL-UNC. Pursuant to R.C. 4928.143(E), the quadrennial review proceeding is required for Commission-approved ESPs that exceed three years to determine whether the ESP continues to be more favorable in the aggregate than the expected results under a market rate offer ("MRO"). The Commission must also determine whether the ESP is substantially likely to provide the utility with significantly

excessive earnings. As a party to the Stipulation and Recommendation in Case No. 14-1297-EL-SSO, wherein FirstEnergy's current ESP was approved, and as a large industrial customer of Ohio Edison, the outcome of this proceeding may have a significant effect on Nucor. Accordingly, Nucor has direct, real, and substantial interests in this proceeding. Moreover, Nucor is so situated that the disposition of this proceeding without Nucor's ability to fully participate in this proceeding will prejudice and impede Nucor's ability to protect its substantial business interests.

Further, other parties choosing to participate in this proceeding would not represent Nucor's interests. Nucor submits that its unique perspectives will contribute to the full, equitable, and expeditious resolution of this proceeding. Lastly, Nucor's timely intervention will not unduly delay the proceeding, or unjustly prejudice the interests of any existing party to this proceeding.

III. CONCLUSION

For the reasons set forth above, Nucor respectfully requests the Commission to grant Nucor's request to intervene in the above-captioned proceeding.

Respectfully submitted,

/s/ Michael K. Lavanga

Michael K. Lavanga

PHV #1014-2020

Counsel of Record

Joseph R. Briscar

PHV #21216-2020

Stone Mattheis Xenopoulos & Brew, PC

1025 Thomas Jefferson Street, NW

Suite 800 West

Washington, DC 20007

(202) 342-0800 (Main Number)

(202) 342-0807 (Facsimile)

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing pleading was served upon the following parties of record or as a courtesy, via electronic transmission or U.S. Mail postage prepaid on October 5, 2020.

Gregory.price@puco.oh.gov
christopher.healey@occ.ohio.gov
angela.obrien@occ.ohio.gov
John.jones@ohioattorneygeneral.gov
gkrassen@bricker.com
dstinson@bricker.com
rendris@firstenergycorp.com
amy.botschner.obrien@occ.ohio.gov
william.michael@occ.ohio.gov
mkurtz@BKLawfirm.com
kboehm@BKLawfirm.com
jkylercohn@BKLawfirm.com
bojko@carpenterlipps.com
paul@carpenterlipps.com
bethany.allen@igs.com
joe.oliker@igs.com
michael.nugent@igs.com

/s/ Michael K. Lavanga
Michael K. Lavanga, Esq.

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

10/5/2020 1:53:39 PM

in

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

Summary: Motion Nucor Steel Marion, Inc.'s Motion for Intervention and Memorandum in Support
electronically filed by Mr. Michael K. Lavanga on behalf of Nucor Steel Marion, Inc.