

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

Tariff Update of the Demand Side)	
Management and Energy Efficiency Riders of)	
Ohio Edison Company, The Cleveland)	Case No. 20-1673-EL-RDR
Electric Illuminating Company and The)	
Toledo Edison Company.)	
)	
In the Matter of the Application of Ohio)	
Edison Company, The Cleveland Electric)	
Illuminating Company and The Toledo)	Case No. 20-1748-EL-ATA
Edison Company for Approval of a New)	
Tariff.)	

**MOTION TO INTERVENE
OF
THE OHIO MANUFACTURERS' ASSOCIATION ENERGY GROUP**

Pursuant to R.C. 4903.221 and Ohio Adm. Code 4901-1-11, the Ohio Manufacturers' Association Energy Group (OMAEG) respectfully moves the Public Utilities Commission of Ohio (Commission) to intervene in this matter with the full powers and rights granted to intervening parties. As detailed in the attached Memorandum in Support, OMAEG has a real and substantial interest in this proceeding that may be adversely affected by the outcome herein, and which cannot be adequately represented by any other party. Accordingly, OMAEG satisfies the standard for intervention set forth in Ohio statutes and regulations.

Therefore, OMAEG respectfully requests that the Commission grant this motion to intervene and make OMAEG a full party of record in these proceedings.

Respectfully submitted,

/s/ Kimberly W. Bojko

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Energy Group*

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MEMORANDUM IN SUPPORT

On December 1, 2020, Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company (collectively, FirstEnergy) filed an application to modify its Demand Side Management and Energy Efficiency Rider (Rider DSE). FirstEnergy proposed setting its Rider DSE2 rate to zero in accordance with the Commission’s November 18, 2020 Finding and Order in Case Nos. 16-574-EL-POR, et al. ,¹ and implementing Rider DSE3 to recover various energy efficiency (EE) costs purportedly authorized under FirstEnergy’s fourth electric security plan.² More specifically, FirstEnergy requested implementing Rider DSE3 to recover the following costs: (1) contributions to the Council of Smaller Enterprises (COSE) and Association of Independent Colleges and Universities of Ohio (AICUO) to promote EE; (2) all

¹ *In the Matter of the Application of Ohio Power Company for Approval of its Energy Efficiency and Peak Demand Reduction Program Portfolio Plan for 2017 Through 2020*, Case Nos. 16-574-POR, et al., Finding and Order at ¶ 11 (directing each utility “to file, by December 1, 2020, proposed revised tariffs for their respective EE/PDR cost recovery riders, setting the riders to zero, effective January 1, 2021.”).

² See FirstEnergy’s Application at 1 (December 1, 2020) (Please note that FirstEnergy’s Application does not include page numbers. Thus, for purposes of this filing, we have manually numbered the page numbers.).

costs incurred to conduct ASHRAE Level II EE Audits for commercial and industrial customers; (3) all funding and administrative costs to support the Community Connections program; (4) lost distribution revenue as of December 31, 2020 associated with compliance with R.C. 4928.66, not subject to a decoupling mechanism; and (5) shared savings or other approved incentive mechanisms for cost effective EE programs implemented after December 31, 2020.³

OMAEG has a real and substantial interest that may be adversely affected by this proceeding and that interest cannot be adequately represented by any existing parties. R.C. 4903.221 and Ohio Adm. Code 4901-1-11 establish the standard for intervention in the above-captioned proceedings. R.C. 4903.221 provides, in part, that any person “who may be adversely affected” by a Commission proceeding is entitled to seek intervention in that proceeding. R.C. 4903.221(B) further requires the Commission to consider the nature and extent of the prospective intervenor’s interest, the legal position advanced by the prospective intervenor and its probable relation to the merits of the case, whether the intervention by the prospective intervenor will unduly prolong or delay the proceeding, and the prospective intervenor’s potential contribution to a just and expeditious resolution of the issues involved.

OMAEG is a non-profit entity that strives to improve business conditions in Ohio and drive down the cost of doing business for Ohio manufacturers. OMAEG members and their representatives work directly with elected officials, regulatory agencies, the judiciary, and others to provide education and information to energy consumers, regulatory boards and suppliers of energy; advance energy policies to promote an adequate, reliable, and efficient supply of energy at reasonable prices; and advocate in critical cases before the Commission. Here, OMAEG has a substantial interest in ensuring that any rates or charges that FirstEnergy assesses its customers,

³ Id. at 3.

which include OMAEG members, are just, lawful, and reasonable. As consumers of significant amounts of energy in FirstEnergy's service territory, OMAEG has been involved in numerous prior proceedings before the Commission involving FirstEnergy.⁴ Moreover, OMAEG has also participated in prior proceedings before the Commission involving FirstEnergy's EE programs.⁵

For these reasons, OMAEG has a direct, real, and substantial interest in the issues raised in this proceeding and is so situated that the disposition of this proceeding may, as a practical matter, impair or impede its ability to protect that interest. It is regularly and actively involved in Commission proceedings and, as in previous proceedings, OMAEG's unique knowledge and perspective will contribute to the full development and equitable resolution of the factual issues in this proceeding. OMAEG's interest will not be adequately represented by other parties and its timely intervention will not unduly delay or prolong these proceedings.

⁴ See, e.g., *In the Matter of the Application of Ohio Edison Company, The Cleveland Electric Illuminating Company and The Toledo Edison Company for Approval of a Decoupling Mechanism*, Case Nos. 19-2080-EL-ATA, et al.; *In the Matter of the Application of Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company for Authority to Provide for a Standard Service Offer Pursuant to R.C. 4928.143 in the Form of an Electric Security Plan*, Case No. 14-1297-EL-SSO; *In the Matter of the Determination of the Existence of Significantly Excessive Earnings for 2019 Under the Electric Security Plan of Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company*, Case No. 20-1034-EL-UNC.

⁵ *In The Matter of The 2014 Review of The Demand Side Management and Energy Efficiency Rider of Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company*, Case Nos. 13-2173-EL-RDR, et al.; *In the Matter of the Application of The Cleveland Electric Illuminating Company, Ohio Edison Company, and The Toledo Edison Company for Approval of Their Energy Efficiency and Peak Demand Reduction Program Plans for 2013 through 2015*, Case Nos. 12-2190-EL-POR, et al.; *In the Matter of the Application of Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company For Approval of Their Energy Efficiency and Peak Demand Reduction Program Portfolio Plans for 2017 through 2019*, Case Nos. 16-743-EL-POR, et al.

Because OMAEG satisfies the criteria set forth in R.C. 4903.221 and Ohio Adm. Code 4901-1-11, Ohio law authorizes OMAEG to intervene in this proceeding with the full powers and rights granted by the Commission to intervening parties. OMAEG respectfully requests that the Commission grant this motion for leave to intervene and make OMAEG a full party of record.

Respectfully submitted,

/s/ Kimberly W. Bojko

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CERTIFICATE OF SERVICE

The Public Utilities Commission of Ohio's e-filing system will electronically serve notice of the filing of this document on the parties referenced on the service list of the docket card who have electronically subscribed to the case. In addition, the undersigned hereby certifies that a copy of the foregoing document also is being served via electronic mail on January 4, 2021 upon the parties listed below.

/s/ Kimberly W. Bojko
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Summary: Motion to Intervene of The Ohio Manufacturers' Association Energy Group
electronically filed by Mrs. Kimberly W. Bojko on behalf of OMA Energy Group