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Via E-FILE

February 24, 2021

Public Utilities Commission of Ohio
PUCO Docketing
180 E. Broad Street, 10th Floor
Columbus, Ohio 43215

In re: Case No. 16-743-EL-POR

Dear Sir/Madam:

Please find attached the OHIO ENERGY GROUP's (OEG) MOTION TO INTERVENE AND MEMORANDUM IN SUPPORT e-filed today in the above-referenced docket(s).

Copies have been served on all parties on the attached certificate of service. Please place this document of file.

Respectfully yours,

/s/ Michael L. Kurtz

Michael L. Kurtz, Esq.

Kurt J. Boehm, Esq.

Jody Kyler Cohn, Esq.

BOEHM, KURTZ & LOWRY

MLKkew

Encl.

Cc: Certificate of Service

**BEFORE THE
PUBLIC UTILITIES COMMISSION OF OHIO**

IN THE MATTER OF THE APPLICATION OF OHIO	:	
EDISON COMPANY, THE CLEVELAND ELECTRIC	:	
ILLUMINATING COMPANY, AND THE TOLEDO	:	Case No. 16-743-EL-POR
EDISON COMPANY FOR APPROVAL OF THEIR	:	
ENERGY EFFICIENCY AND PEAK DEMAND	:	
REDUCTION PROGRAM PORTFOLIO PLANS FOR 2017	:	
THROUGH 2019.	:	

**THE OHIO ENERGY GROUP'S
MOTION FOR LEAVE TO INTERVENE**

Pursuant to R.C. 4903.221 and Ohio Adm. Code 4901-1-11, the Ohio Energy Group ("OEG") moves for leave to intervene in this proceeding. The Public Utilities Commission of Ohio ("Commission") should grant OEG leave to intervene because OEG has a real and substantial interest in the proceeding, and OEG is so situated that the Commission's disposition of this proceeding may, as a practical matter, impair or impede OEG's ability to protect that interest.

Respectfully submitted,

/s/ Michael L. Kurtz

Michael L. Kurtz, Esq.

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February 24, 2021

COUNSEL FOR OHIO ENERGY GROUP

**BEFORE THE
PUBLIC UTILITIES COMMISSION OF OHIO**

IN THE MATTER OF THE APPLICATION OF OHIO	:	
EDISON COMPANY, THE CLEVELAND ELECTRIC	:	
ILLUMINATING COMPANY, AND THE TOLEDO	:	Case No. 16-743-EL-POR
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ENERGY EFFICIENCY AND PEAK DEMAND	:	
REDUCTION PROGRAM PORTFOLIO PLANS FOR 2017	:	
THROUGH 2019	:	

**MEMORANDUM IN SUPPORT OF
THE OHIO ENERGY GROUP'S
MOTION TO INTERVENE**

Pursuant to R.C. 4903.221 and Ohio Adm. Code 4901-01-11, the Commission should grant the Ohio Energy Group ("OEG") leave to intervene in this proceeding.

OEG is a non-profit entity organized to represent the interests of large industrial customers in electric and gas regulatory proceedings before the Commission. OEG's members who are participating in this intervention are: Air Products and Chemicals, Inc., AK Steel Corporation, Cleveland Cliffs Steel LLC (formerly ArcelorMittal USA LLC), BP-Husky Refining, LLC, Cargill, Incorporated, Charter Steel, Elyria Foundry, Fiat Chrysler Automobile US LLC, Ford Motor Company, General Motors LLC, Greif, Inc., Howmet Aerospace Inc. (formerly Arconic), Johns Manville, Linde LLC (formerly Praxair), Martin Marietta Magnesia Specialties, LLC, Materion Brush Inc., Messer, LLC, Nature Fresh Farms USA LLC, North Star BlueScope Steel, LLC, POET Biorefining, PTC Alliance Holding Corporation, TimkenSteel Corporation and Worthington Industries. These companies purchase electric distribution services from First Energy.

Several of the above-listed OEG members participate in FirstEnergy's Economic Load Response ("ELR") program, which has now been placed directly at issue in this proceeding. Those members could be substantially and adversely impacted by any changes made to that program.

OEG admittedly did not participate in the initial stages of this proceeding, given that the ELR program is not a portfolio program adopted pursuant to R.C. 4928.66. However, in light of the Commission's February 24, 2021 Entry inquiring as to whether the ELR program should be terminated pursuant to R.C. 4928.66(G), it is now imperative that OEG be permitted to participate in this proceeding. Accordingly, to the extent that the Commission considers OEG's motion to intervene untimely, OEG submits that the Commission's recent Entry presents extraordinary circumstances that merit allowing its intervention.

OEG's intervention will not unduly delay the proceeding nor unjustly prejudice any existing party. OEG will accept the current procedural "as is." Moreover, OEG intends to play a constructive role in this case, providing important information about the ELR program that will assist the Commission in rendering its ultimate decision.

Accordingly, because OEG has a real and substantial interest in this proceeding and because no other party to this proceeding can adequately represent OEG's specific interests, OEG should be permitted to intervene and actively participate in this matter.

Respectfully submitted,

/s/ Michael L. Kurtz

Michael L. Kurtz, Esq.

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COUNSEL FOR THE OHIO ENERGY GROUP

February 24, 2021

CERTIFICATE OF SERVICE

In accordance with Rule 4901-1-05, Ohio Administrative Code, the PUCO'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 this case. In addition, the undersigned certifies that a courtesy copy of the foregoing document is also being served (via electronic mail) on the 24th day of February, 2021 to the following:

/s/ Michael L. Kurtz

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Case No(s). 16-0743-EL-POR

Summary: Motion Ohio Energy Group (OEG) Motion to Intervene and Memorandum in Support electronically filed by Mr. Michael L. Kurtz on behalf of Ohio Energy Group