

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Ohio )  
Edison Company, The Cleveland Electric ) Case No. 21-484-EL-ATA  
Illuminating Company, and The Toledo )  
Edison Company for Approval of Tariff )  
Amendments. )

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

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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 timely motion to intervene and make OMAEG a full party of record in these proceedings.

Respectfully submitted,

/s/ Kimberly W. Bojko

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**MEMORANDUM IN SUPPORT**

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On April 22, 2021, Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company (collectively, FirstEnergy) filed an application with the Commission requesting authority to modify its Conservation Support Rider (Rider CSR),<sup>1</sup> a decoupling mechanism implemented pursuant to Am. Sub. H.B. 6. (H.B. 6).<sup>2</sup> More specifically, FirstEnergy proposed modifying Rider CSR to return to customers the full amount of revenues collected through the rider, plus interest, over a 12-month period beginning June 1, 2021.<sup>3</sup> FirstEnergy further proposed that refunds paid to customers should be allocated to customer classes in the same proportion as the Rider CSR rates were assessed.<sup>4</sup> Lastly, FirstEnergy explained that it submitted its application in the above-captioned proceeding because Am. Sub. H.B. 128 (H.B. 128), when effective, will require utilities to return to customers any revenues collected through H.B. 6. decoupling mechanisms,<sup>5</sup> such as Rider CSR.

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<sup>1</sup> See FirstEnergy's Application (April 22, 2021).

<sup>2</sup> *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., Finding and Order at ¶¶ 1, 6 (January 15, 2020).

<sup>3</sup> See FirstEnergy's Application (April 22, 2021).

<sup>4</sup> *Id.*

<sup>5</sup> *Id.* at Exhibit C-3.

OMAEG has a real and substantial interest in the outcome of 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 proceeding. 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 as many of its members were subject to and paid the nonbypassable Rider CSR rates and will be entitled to refunds when H.B. 128 becomes effective and upon approval of FirstEnergy’s Application. Moreover, 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 and the rates that it charges,<sup>6</sup> including proceedings

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<sup>6</sup> *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 Application of Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company for an Extension of*

involving Rider CSR.<sup>7</sup> Lastly, OMAEG has participated in several proceedings before the Commission involving H.B. 6.<sup>8</sup> 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.

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*the Distribution Modernization Rider*, Case No. 19-361-EL-RDR; *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 Nos. 20-1034-EL-UNC, et al..

<sup>7</sup> 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..

<sup>8</sup> See, e.g., *In the Matter of Establishing the Nonbypassable Recovery Mechanism for Net Legacy Generation Resource Costs Pursuant to R.C. 4928.148*, Case No. 19-1808-EL-UNC; *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. 17-1398-EL-POR, et al.; *In the Matter of the Application of Ohio Power Company for Approval of a Decoupling Mechanism*, Case Nos. 20-1099-EL-ATA, et al.; *In the Matter of Establishing the Clean Air Fund Rider Pursuant to R.C. 3706.46*, Case No. 20-1143-EL-UNC; *In the Matter of the Review of the Political and Charitable Spending by Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company*, Case No. 20-1502-EL-UNC.

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 timely motion 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 May 4, 2021 upon the parties listed below.

*/s/ Kimberly W. Bojko*  
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