

**BEFORE THE  
PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Review of Ohio Edison Company, The :  
Cleveland Electric Illuminating Company, and The Toledo : Case Nos. 17-974-EL-UNC  
Edison Company's Compliance with R.C. 4928.17 and :  
Ohio Adm. Code Chapter 4901:1-37. :

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**MOTION FOR LEAVE TO INTERVENE OUT OF TIME  
BY THE OHIO ENERGY GROUP**

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

Respectfully submitted,

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August 31, 2021

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**MEMORANDUM IN SUPPORT**

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Pursuant to R.C. 4903.221 and Ohio Adm. Code 4901-01-11, the Public Utilities Commission of Ohio ("Commission") should grant the Ohio Energy Group's ("OEG") leave to intervene out of time.

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

OEG recognizes that the Attorney Examiners established an intervention deadline of July 23, 2021 in this proceeding. However, that deadline fell the day after the public announcement of a Deferred Prosecution Agreement between FirstEnergy Corp. and federal prosecutors.<sup>1</sup> Since the time of that announcement, new facts have come to light surrounding the potential financial relationship between the utility and its affiliate, which may impact the matters at issue this case and which warrant OEG's

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<sup>1</sup> <https://www.justice.gov/usao-sdoh/pr/firstenergy-charged-federally-agrees-terms-deferred-prosecution-settlement>.

intervention in this proceeding. For instance, on August 6, 2021, FirstEnergy filed a Supplemental Response in Case No. 20-1502-EL-UNC indicating that FirstEnergy Corp. political spending in support of House Bill 6 impacted the Companies' retail rates. Accordingly, the extraordinary circumstances arising in the last two months provide good cause for granting OEG's request to intervene out of time.

OEG intends to play a constructive role in this case and provide information which will assist the Commission. Moreover, no other party to this proceeding can adequately represent OEG's particular interests. Nor would intervention unduly delay the proceeding or unjustly prejudice any existing party since OEG will accept the current procedural schedule "as is."

**WHEREFORE**, OEG respectfully requests that the Commission grant its motion to intervene out of time.

Respectfully submitted,

/s/ Michael L. Kurtz

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August 31, 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 31<sup>st</sup> day of August 2021 to the following:

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