

In the Matter of the Review of Ohio Edison )  
Company, The Cleveland Electric Illuminating ) **Case No. 17-974-EL-UNC**  
Company, and The Toledo Edison Company )  
Compliance with R.C. 4928.17 and Ohio )  
Administrative Code 4901:1-37 )

households' and small businesses' electricity supplies. Thus, NOAC's and its governmental aggregation participants' interests will be affected by this proceeding.

The Attorney Examiner set a deadline to intervene by July 23, 2021. One day before FirstEnergy entered into a Deferred Prosecution Agreement or DPA. The DPA contains a lengthy statement of facts that FirstEnergy agreed is true. In it, FirstEnergy admits that in 2015 it entered into a long-term scheme to bribe "Public Official B," who is generally believed to be Samuel Randazzo. Mr. Randazzo was then an opposing counsel in a proceeding (ESP4, Case no. 14-1297) before the Commission. FirstEnergy made yearly payments to him that totaled \$8 million from 2015 to 2018 "in exchange for" for his client's withdrawing opposition in that case. FirstEnergy's legal department controlled the ESP4 proceedings. Mr. Randazzo sent the invoice to Ms. Ebony Yeboah, who was a high-ranking FirstEnergy inhouse counsel and its Chief Ethics Officer.

FirstEnergy admits in 2018 it paid Mr. Randazzo an additional \$4 million in return for favorable treatment when he became Chair of the Commission. After his appointment, Chair Randazzo orchestrated a modification to the ESP4 order that delayed a new rate case four years to benefit FirstEnergy financially. Chair Randazzo also acted in concert with FirstEnergy on House Bill 6, again for FirstEnergy's financial benefit.

Following the DPA, FirstEnergy filed a Supplemental Response in Case No. 20-1502 indicating that FirstEnergy Corp.'s political spending in support of House Bill 6 impacted the EDU companies' retail rates. These actions occurred in about the 2018-2019 timeframe.

On September 13, Daymark Energy Advisors filed its 165-page auditor's report on corporate separation. The report covered the years 2016 thru 2020 but ignores FirstEnergy's admitted actions stated in the Deferred Prosecution Agreement and Supplemental Response.

FirstEnergy's criminal conduct, expenditures, and deception go to the financial relationship issues of corporate separation. These actions also gave it an advantage unavailable to any of its competitors, another aspect of corporate separation.

On September 17, the Attorney Examiner set a schedule with initial comments due on October 14. This is the real trigger for stakeholders to determine if they need to protect their interests. NOAC's then promptly reviewed the report and determined that its interests are imperiled.

There is no harm to any party or disruption to the proceeding if NOAC intervenes, follows the established schedule, and the Commission considers its comments. NOAC has actively participated in numerous proceedings before the PUCO and in HB 6 matters. Our participation will bring important expertise to a fair resolution of this matter. No one else can represent our interests.

THEREFORE, NOAC respectfully requests that the Commission grant its motion for leave to intervene out of time.

Respectfully submitted,

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NOAC AGREES TO ELECTRONIC SERVICE

CERTIFICATE OF SERVICE

The PUCO's e-filing system will electronically serve notice of the filing of this document on the parties. A courtesy copy of the foregoing document is also being served by email mail on the September 22, 2021.

/s/ Thomas R. Hays  
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Summary: Motion Motion to Intervene Out of Time and Memorandum in Support electronically filed by Mr. Thomas R. Hays on behalf of NOAC