

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Ohio)	Case No. 22-0704-EL-UNC
Edison Company, the Cleveland Electric)	
Illuminating Company, and the Toledo)	
Edison Company for Approval of Phase)	
Two of Their Distribution Grid)	
Modernization Plan.)	
)	

**MOTION TO INTERVENE BY
THE ENVIRONMENTAL LAW & POLICY CENTER**

Pursuant to Ohio Revised Code 4903.221 and Ohio Administrative Code 4901-1-11, the Environmental Law & Policy Center (ELPC) respectfully moves to intervene in this proceeding. As explained more thoroughly in the attached Memorandum in Support, ELPC has a real and substantial interest in this case, in which Ohio Edison Company, the Cleveland Electric Illuminating Company, and the Toledo Edison Company (FirstEnergy) seeks approval from the Public Utilities Commission of Ohio for Phase Two of their Distribution Grid Modernization Plan.

ELPC's interests are not adequately represented by any other party to this matter, and its participation in this proceeding will contribute to a just and expeditious resolution of the issues and questions. ELPC's participation will not unduly delay the proceedings or prejudice any other party. Therefore, ELPC respectfully requests this Commission grant its motion to intervene.

August 4, 2022

Respectfully submitted,

/s/ Janean R. Weber

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**MEMORANDUM IN SUPPORT OF THE MOTION TO INTERVENE BY
THE ENVIRONMENTAL LAW & POLICY CENTER**

Ohio Revised Code 4903.221 allows intervention by persons who may be adversely affected by a public utilities commission proceeding provided the Public Utilities Commission of Ohio (Commission) makes certain determinations. The Environmental Law & Policy Center (ELPC) is a non-profit environmental advocacy organization with a mission is to improve the Midwest's environmental quality and economic development. As a regional organization with a presence and members in Ohio, ELPC and its members may be adversely affected by the outcome of this proceeding, and its interests are not adequately represented by the other parties in the case.

Revised Code 4903.221 requires the Commission to consider four factors when presented with a motion to intervene. Ohio Administrative Code 4901-11-1 similarly provides that the Commission shall consider the same four factors, with an additional fifth factor, when weighing a motion to intervene. ELPC's motion meets all of the factors required by statute and rule.

Pursuant to R.C. 4903.221, the Commission must consider:

- (1) The nature and extent of the prospective intervenor's interest;
- (2) The legal position advanced by the prospective intervenor and its probable relation to the merits of the case;
- (3) Whether the intervention by the prospective intervenor will unduly prolong or delay the proceedings; [and]

- (4) Whether the prospective intervenor will significantly contribute to full development and equitable resolution of the factual issues.

R.C. 4903.221(B).

Satisfying the first factor, ELPC has a substantial interest in Phase II of FirstEnergy's Distribution Grid Modernization Plan. ELPC is a nonprofit environmental advocacy organization whose mission is to improve the Midwest's environmental quality and economic development. Moreover, ELPC has members in Ohio and its work focuses on Ohio energy and environmental issues. ELPC and its members are interested in FirstEnergy's proposed programs that provide environmental benefits and increase access to renewable energy, such as improved technologies that allow consumers to better manage their electric consumption and electric vehicle charging pilot programs. ELPC has an interest in ensuring the cost-effective implementation of several of these technologies to reduce energy consumption, increase renewable generation, and produce corresponding environmental benefits.

ELPC previously intervened in Case No. 17-2436-EL-UNC regarding FirstEnergy's request for approval of their Distribution Platform Modernization Plan. ELPC has also participated in other Ohio electric utilities' grid modernization proceedings such as Case No. 18-1875. (Dayton Power and Light Company), and Case No. 19-1475 (AEP Ohio).

As to the second factor, because of the potential impacts on ELPC and its Ohio members, ELPC seeks the Commission's careful scrutiny of the reasonableness of FirstEnergy's proposed Phase Two of their Distribution Grid Modernization Plan proposal to ensure it is reasonably designed to deliver cost-effective measures that provide a framework for effectively maximizing energy savings and environmental benefits.

Under the third factor, ELPC's inclusion will not unduly delay or prolong the proceeding. The Commission has not yet set a procedural schedule for the case, and ELPC is committed to working within any schedule that is imposed by this Commission to achieve the efficient and orderly disposition of the questions presented.

Finally, ELPC will significantly contribute to the full development and resolution of the proceeding by bringing its unique perspective to bear. ELPC has expertise and experience throughout the Midwest regarding clean energy policy that will help develop the record and aid in resolving issues in the case. ELPC has participated in multiple proceedings in Ohio as well as other states regarding distribution rate design and efficiency.

Similarly, ELPC meets the requirements set forth in Ohio Adm.Code 4901-11-1(B):

- (1) The nature and extent of the prospective intervenor's interest;
- (2) The legal position advanced by the prospective intervenor and its probable relation to the merits of the case;
- (3) Whether the intervention by the prospective intervenor will unduly prolong or delay the proceedings;
- (4) Whether the prospective intervenor will significantly contribute to full development and equitable resolution of the factual issues; [and]
- (5) The extent to which the person's interest is represented by existing parties.

The first four factors mirror those in R.C. 4903.221, and for the reasons stated above, ELPC meets those factors. As to the fifth, ELPC maintains that no other party can adequately represent its interests as a regional environmental advocacy organization that also focuses on environmentally friendly economic development, including new job creation.

Finally, this Commission's policy is to "encourage the broadest possible participation in its proceedings." *Cleveland Elec. Illum. Co.*, Case No. 85-675-EL-AIR, Entry at 2 (January 14,

1986). ELPC's inclusion in this proceeding will contribute to this goal of broad participation in PUCO proceedings.

Because ELPC meets the criteria set forth in both R.C. 4903.221 and Ohio Adm.Code 4901-11-1, it respectfully asks this Commission to grant its motion to intervene in the above-captioned proceedings.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing Motion to Intervene submitted on behalf of the Environmental Law & Policy Center was filed electronically through the Docketing Information System of the Public Utilities Commission of Ohio on August 4, 2022. The PUCO's e-filing system will electronically serve notice of the filing of this document on counsel for all parties.

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**This foregoing document was electronically filed with the Public Utilities
Commission of Ohio Docketing Information System on**

8/4/2022 10:32:12 AM

in

Case No(s). 22-0704-EL-UNC

Summary: Motion to Intervene electronically filed by Ms. Janean R. Weber on
behalf of Environmental Law & Policy Center