

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

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

**MOTION TO INTERVENE BY THE
OHIO ENVIRONMENTAL COUNCIL**

Pursuant to Ohio Rev. Code § 4903.22.1 and Ohio Admin. Code § 4901-1-11, the Ohio Environmental Council (“OEC”), moves for leave to intervene in the above captioned case, in which the Ohio Edison Company, The Cleveland Electric Illuminating Company, and the Toledo Edison Company (“the Companies”) submit its Phase II Grid Modernization Plan (“Plan”). As more fully discussed in the accompanying memorandum, the OEC has a real and substantial interest in this proceeding. The OEC’s interests are not represented by any existing party; participation in this proceeding will contribute to a just and expeditious resolution of the issues involved without unduly delaying the proceeding or unjustly prejudicing any existing party. OEC therefore moves to intervene in this proceeding pursuant to R.C. 4903.221 and O.A.C. 4901-1-11.

WHEREFORE, OEC respectfully request that the Public Utilities Commission of Ohio grant OEC’s motion to intervene for these reasons and those set forth in the attached Memorandum in Support.

Respectfully Submitted,

/s/Karin Nordstrom

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MEMORANDUM IN SUPPORT

Ohio R.C. Section 4903.221 provides that any “person who may be adversely affected by a public utilities commission proceeding may intervene in such proceeding.” The OEC is a non-profit, non-partisan environmental advocacy organization with a network of over 100 affiliated member groups and thousands of individual members. The OEC’s mission is to secure healthy air, land, and water for all who call Ohio home. Throughout its 50 year history, the OEC has been a leading advocate for fresh air, clean water, and sustainable energy use in Ohio. The OEC has intervened in many cases before this Commission to secure proper implementation of Ohio’s clean energy laws, including the first phase of this grid modernization case. Case No. 16-481-EL-UNC *et al.* The OEC’s Clean Energy Program works to increase innovation in, clean, efficient, and competitive energy choices. As active participants in the Company’s previous ESP cases, gridSMART Collaborative, and the stakeholder collaborative during the first phase of the Companies’ grid modernization, the OEC sees a modern and more efficient grid as a key to Ohio’s clean energy future.

The OEC has an interest in and may be adversely affected by the disposition of this case. R.C. 4903.221(B) outlines four factors that the Commission shall consider when ruling on a motion to intervene in a proceeding. First, the Commission shall consider “the nature and extent

of the prospective intervenor's interest." R.C. 4903.221(B)(1). The OEC has a real and substantial interest in harnessing the stability of retail electricity service and competitive energy markets, and the positive effect both have on the further deployment of cost-effective, clean, and efficient energy in Ohio. As an environmental advocacy organization, the OEC has a special interest in the outcome of this case because the Plan will have a direct impact on the modernization and stability of Ohio's grid. A properly designed Plan also has the potential for massive electricity savings and greenhouse gas reductions. Accordingly, the OEC's interest in this proceeding arises from the direct and indirect impacts that the issues presented will have on the environment of the state of Ohio and the region, and the electricity costs of their members in the Companies' service territory.

Second, pursuant to R.C. 4903.221(B)(2), the Commission shall consider "The legal position advanced by the prospective intervenor and its probable relation to the merits of the case." OEC maintains that the Companies' Plan should be properly scrutinized by interested parties to ensure that it complies with the letter and intent of the state's energy law and stated state energy policies.

Third, pursuant to R.C. 4903.221(B)(3), the Commission shall consider "Whether the intervention by the prospective intervenor will unduly prolong or delay the proceedings." The OEC has significant experience with electric utility cases before the Commission and will not seek to delay the proceeding. The OEC wishes to see the process go as smoothly as possible, and thus have no intention of causing undue delay in this case. The OEC has developed expertise that will contribute to the full development of the legal questions involved in this proceeding. Thus,

intervention will not unduly prolong or delay these proceedings, but will add value to the development of this case.

Fourth, pursuant to R.C. 4903.221(B)(4), the Commission shall consider “[w]hether the prospective intervenor will significantly contribute to full development and equitable resolution of the factual issues.” As Ohio’s leading environmental advocates, the OEC will be able to assure that the environmental impacts of the Company’s proposals are fully developed. The OEC plans to provide robust questions and suggestions, based on peer-reviewed research and case law, to contribute to the resolution of this case. Such actions are necessary to serve the interests of the OEC, their members, and Ohio. The OEC’s perspective and expertise will ensure that the environmental concerns of Ohioans are heard by the Commission and adequately protected. The OEC’s perspectives will echo the thoughts and hopes of millions of Ohioans.

Pursuant to O.A.C. 4901-1-11(A)(5), the Commission shall also consider “The extent to which the [intervenor’s] interest is represented by existing parties.” The OEC’s interest is not fully represented by the existing parties. The Ohio Energy Group represents the interests of large industrial customers like steel manufacturers and railroad lines. These large-scale consumers are focused exclusively on price and reliability for bulk energy needs, without particular concern to the source or methods of construction. The Ohio Consumers’ Counsel similarly focuses on consumer pricing, the number that shows up on a customer’s bill, versus the combined cost to generate energy and the ecological costs to Ohio’s ecosystem. The Northwest Ohio Aggregation Coalition focuses on specific sections of the project area where infrastructure and construction changes overlap with its member townships, villages, and counties. Similarly, other potential

intervenors will approach this case from a number of different perspectives including economics, smaller-scale consumer pricing, job development, land use, etc.

Finally, we point out that it is the Commission's stated policy "to encourage the broadest possible participation in its proceedings."¹ The Commission should not apply its intervention criteria in a manner that would favor one environmental or consumer advocate to the exclusion of others. The OEC meets all the criteria established by R.C. 4903.221 and O.A.C. 4901-1-11(A)(5) and therefore should be granted intervenor status in this proceeding.

WHEREFORE, the OEC respectfully requests that the Commission grant its motion to intervene in the above captioned matter.

Respectfully Submitted,

/s/Karin Nordstrom

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¹ *Cleveland Elec. Illum. Co.*, Case No. 85-675-EL-AIR, Entry dated January 14, 1986, at 2.

CERTIFICATE OF SERVICE

The PUCO's e-filing system will electronically serve notice of the filing of this document on the parties. I hereby certify that a courtesy copy of the foregoing has been served upon the following parties by electronic mail this 12th day of August 2022.

/s/Karin Nordstrom
Karin Nordstrom

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Summary: Motion Motion to Intervene and Memorandum in Support electronically
filed by Ms. Karin Nordstrom on behalf of Ohio Environmental Council electronically
filed by Ms. Karin Nordstrom on behalf of Ohio Environmental Council and
Nordstrom, Karin