

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Ohio)
Edison Company, the Cleveland Electric) Case No. 23-301-EL-SSO
Illuminating Company, and the Toledo)
Edison Company for Authority to Establish a)
Standard Service Offer Pursuant to R.C.)
4928.143 in the Form of an Electric Security)
Plan.)

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

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) for leave to intervene in the above-captioned proceeding with the full powers and rights granted to intervening parties.

As demonstrated in the attached Memorandum in Support, OMAEG has a real and substantial interest in these proceedings which may be adversely affected by the outcome herein, and which cannot be adequately represented by any other existing parties. Further, OMAEG's participation will not unduly delay the proceedings or prejudice 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 motion to intervene for these reasons and those set forth in more detail in the attached Memorandum in Support, and submits the attached Comments for the Commission's consideration.

Respectfully submitted,

/s/ Kimberly W. Bojko

Kimberly W. Bojko (0069402) (Counsel of Record)

Jonathan Wygonski (0100060)

Carpenter Lipps LLP

280 North High Street, Suite 1300

Columbus, Ohio 43215

Telephone: (614) 365-4100

bojko@carpenterlipps.com

wygonski@carpenterlipps.com

(willing to accept service by e-mail)

*Counsel for the Ohio Manufacturers' Association
Energy Group*

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Ohio)
Edison Company, the Cleveland Electric) Case No. 23-301-EL-SSO
Illuminating Company, and the Toledo)
Edison Company for Authority to Establish a)
Standard Service Offer Pursuant to R.C.)
4928.143 in the Form of an Electric Security)
Plan.)

MEMORANDUM IN SUPPORT

On April 5, 2023, Ohio Edison Company, The Cleveland Electric Illuminating Company , and The Toledo Edison Company (collectively, FirstEnergy) filed an application with the Public Utilities Commission of Ohio (Commission) for approval of FirstEnergy’s fifth electric security plan (ESP V). This new ESP would result in significant above-market charges, totaling nearly \$200 million in the first year alone, through several new and modified riders, would unlawfully implement utility-owned energy efficiency programs, and would continue discriminatory access to certain billing provisions.

OMAEG has a real and substantial interest that may be adversely affected by this proceeding and that interest cannot be adequately represented by any existing parties. R.C. 4903.221 and Ohio Adm.Code 4901-1-11 govern intervention in alternative rate plan proceedings, such as the current case. R.C. 4903.221 provides, in pertinent part, that any person “who may be adversely affected” by a Commission proceeding is entitled to seek intervention in that proceeding.¹ R.C. 4903.221(B) further requires the Commission to consider (1) the nature and extent of the prospective intervenor’s interest, (2) the legal position advanced by the prospective

¹ R.C. 4903.221.

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 proceeding, and (4) the prospective intervenor's potential contribution to a just and expeditious resolution of the issues involved.² Ohio Adm.Code 4901-1-11 permits intervention to a party who demonstrates "a real and substantial interest in the proceeding," and who is "so situated that the disposition of the proceeding may [. . .] impair or impede [its] ability to protect that interest" and whose interest is "not adequately represented by an existing party."³

OMAEG 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 the media 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. OMAEG is a non-profit entity created by the Ohio Manufacturers' Association (OMA) for these purposes. OMAEG's members are all members of the OMA.

OMAEG has a direct, real, and substantial interest in the issues raised in this proceeding and is so situated that the disposition of the proceeding may, as a practical matter, impair or impede its ability to protect that interest. Because OMAEG members are consumers of significant amounts of energy in FirstEnergy's service territory, they will pay any charges imposed by ESP V. OMAEG is regularly and actively involved in Commission proceedings, including proceedings

² R.C. 4903.221(B).

³ Ohio Adm.Code 4901-1-11(A)(2).

related to FirstEnergy's prior ESPs.⁴ As in previous proceedings, OMAEG's unique knowledge and perspective will contribute to the full development and equitable resolution of the issues in this proceeding. OMAEG's interest will not be adequately represented by other parties to the proceeding and its timely intervention will not unduly delay or prolong the proceeding.

Accordingly, OMAEG satisfies the criteria for intervention set out in R.C. 4903.221 and Ohio Adm.Code 4901-1-11. OMAEG, therefore, respectfully requests that the Commission grant its motion, allow OMAEG to intervene with the full powers and rights granted by the Commission to intervening parties, and make OMAEG a full party of record.

Respectfully submitted,

/s/ Kimberly W. Bojko

Kimberly W. Bojko (0069402) (Counsel of Record)

Jonathan Wygonski (0100060)

Carpenter Lipps LLP

280 North High Street, Suite 1300

Columbus, Ohio 43215

Telephone: (614) 365-4100

bojko@carpenterlipps.com

wygonski@carpenterlipps.com

(willing to accept service by e-mail)

*Counsel for the Ohio Manufacturers' Association
Energy Group*

⁴ See, e.g., *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 in the Form of an Electric Security Plan*, Case No. 14-1297-EL-SSO, Motion to Intervene and Memorandum in Support of the OMAEG (Aug. 29, 2014); *id.*, Entry (Dec. 1, 2014); *In the Matter 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 Section 4928.143, Revised Code, in the Form of an Electric Security Plan*, Case No. 12-1230-EL-SSO, Motion to Intervene of OMA Energy Group (April 19, 2012); *id.*, Entry (May 15, 2012).

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 3, 2023, upon the parties listed below.

/s/ Kimberly W. Bojko

Kimberly W. Bojko (0069402) (Counsel of Record)

*Counsel for the Ohio Manufacturers' Association
Energy Group*

SERVICE LIST

thomas.lindgren@ohioago.gov
amy.botschnerobrien@ohioago.gov
rhiannon.howard@ohioago.gov
mkurtz@BKLawfirm.com
jkylercohn@BKLawfirm.com
rdove@keglerbrown.com
nbobb@keglerbrown.com
bknipe@firstenergycorp.com
cwatchorn@firstenergycorp.com
talexander@beneschlaw.com
mkeaney@beneschlaw.com
khehmeyer@beneschlaw.com
dproano@bakerlaw.com
ahaque@bakerlaw.com
eprouthy@bakerlaw.com
pwillison@bakerlaw.com
dstinson@brickergraydon.com
john.finnigan@occ.ohio.gov
keith.layton@occ.ohio.gov
connor.semples@occ.ohio.gov
josephmeissner@yahoo.com

leslie.kovacik@toledo.oh.gov
trhayslaw@gmail.com
Stacie.Cathcart@igs.com
evan.betterton@igs.com
michael.nugent@igs.com

Attorney Examiners:

megan.addison@puco.ohio.gov
greg.price@puco.ohio.gov
jacqueline.st.john@puco.ohio.gov

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

5/3/2023 1:53:05 PM

in

Case No(s). 23-0301-EL-SSO

Summary: Motion Motion to Intervene in FirstEnergy ESP electronically filed by
Mrs. Kimberly W. Bojko on behalf of The Ohio Manufacturers' Association Energy
Group.