

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Ohio)
Edison Company, The Cleveland Electric)
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.)

Case No. 23-301-EL-SSO

MOTION TO INTERVENE OF THE OHIO HOSPITAL ASSOCIATION

Pursuant to Ohio Revised Code Section (“R.C.”) 4903.221 and Ohio Administrative Code (“O.A.C.”) 4901-1-11, the Ohio Hospital Association (“OHA”) respectfully requests that the Public Utilities Commission of Ohio (“PUCO” or “Commission”) grant its motion to intervene in this proceeding. OHA requests that the PUCO grant OHA’s motion because OHA has a real and substantial interest in this proceeding, its participation will not cause undue delay, and the Commission’s disposition of this proceeding may impair or impede OHA’s ability to protect its interest.

Respectfully submitted on behalf of
THE OHIO HOSPITAL ASSOCIATION



Devin D. Parram (0082507)
Rachael N. Mains (0098681)
BRICKER GRAYDON LLP
100 South Third Street
Columbus, OH 43215-4291
Telephone: (614) 227-2300
Facsimile: (614) 227-2390
E-mail: dparram@brickergraydon.com
rmains@brickergraydon.com

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Ohio)
Edison Company, The Cleveland Electric)
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.)

Case No. 23-301-EL-SSO

MEMORANDUM IN SUPPORT

I. INTRODUCTION

On April 5, 2023, FirstEnergy filed an application for approval of an electric security plan (also referred to as the “ESP” or the “proposed ESP” or “ESP V”) beginning with the expiration of the current ESP IV (June 1, 2024) and continue through May 31, 2032. OHA seeks to intervene in these proceedings to defend its real and substantial interest in the issues raised in FirstEnergy’s ESP V application.

OHA is a nonprofit trade association representing 252 hospitals and 15 health systems as members, a number of which are FirstEnergy customers. OHA regularly advocates for hospitals to enhance electric service reliability and contain costs for its members through its advocacy before the Commission. OHA is keenly interested in ensuring that the ultimate resolution of the matters in this proceeding will not have a negative impact on OHA member hospitals served by FirstEnergy. Therefore, OHA satisfies the PUCO’s standard for intervention and its motion should be granted in this proceeding.

II. LEGAL STANDARD

The Commission’s rules provide that a person “shall” be permitted to intervene in a proceeding upon a showing that:

1. A statute of this state or the United States confers a right to intervene.
2. The person has a real and substantial interest in the proceeding, and the person is so situated that the disposition of the proceeding may, as a practical matter, impair or impede his or her ability to protect that interest, unless the person's interest is adequately represented by existing parties.

O.A.C. 4901-1-11(A). The factors for evaluating whether to permit intervention under that rule are:

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 the full development and equitable resolution of the factual issues.
5. The extent to which the person's interest is represented by existing parties.

O.A.C. 4901-1-11(B).

The Supreme Court of Ohio has held that intervention should “generally be liberally construed in favor of intervention.” *Ohio Consumers' Counsel v. Pub. Util. Comm.*, 111 Ohio St.3d 384, 2006-Ohio-5853, 856 NE.2d 940, ¶ 16 (quoting *State ex rel. Polo v. Cuyahoga Cnty. Bd. of Elections*, 74 Ohio St.3d 143, 144, 656 NE.2d 1277 (1995)). This liberal construction applies “whether or not a hearing is held,” and a party should be granted intervention when it meets the factors articulated in the rules, absent “evidence in the record calling those claims into doubt” or establishing that intervention would cause undue delay. *Id.* at ¶ 20.

III. ARGUMENT

All of the relevant factors support OHA's motion to intervene. OHA has a substantial interest in this proceeding because its members include numerous hospitals that are customers of FirstEnergy and these hospitals expend significant amounts of money on electric utility rates. In addition, OHA

has unique interest in this proceeding that is not adequately addressed by any other party. As the statewide association for all hospitals within Ohio, OHA is uniquely situated to address the reliability and cost concerns of hospitals served by FirstEnergy. For many years, the Commission has permitted intervention by OHA to advocate on hospitals' behalf regarding hospital-specific concerns, including previous FirstEnergy ESP¹ cases.

Furthermore, OHA's participation will enhance the effectiveness of the above proceedings and will not unnecessarily cause delay. Lastly, OHA will significantly contribute to the full development and equitable resolution of this proceeding by protecting the interest of hospitals and healthcare systems served by FirstEnergy.

IV. CONCLUSION

Accordingly, OHA respectfully requests the grant its motion to intervene pursuant to R.C. 4903.221 and O.A.C. 4901-1-11.

Respectfully submitted on behalf of
THE OHIO HOSPITAL ASSOCIATION



Devin D. Parram (0082507)
Rachael N. Mains (0098681)
BRICKER GRAYDON LLP
100 South Third Street
Columbus, OH 43215-4291
Telephone: (614) 227-2300
Facsimile: (614) 227-2390
E-mail: dparram@brickergraydon.com
rmains@brickergraydon.com

¹ See e.g., *In re Ohio Edison Co., The Cleveland Elec. Illum. Co., and The Toledo Edison Co.*, Case No. 14-1297-EL-SSO, Entry at ¶ 8 (Dec. 1, 2014); *In re Ohio Edison Co., The Cleveland Elec. Illum. Co., and The Toledo Edison Co.*, Case No. 08-935-EL-SSO, Entry at ¶ 3 (Oct. 2, 2008).

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Motion to Intervene was served upon the parties of record listed below this 22nd day of May 2023 *via* electronic mail.



Devin D. Parram

bknipe@firstenergycorp.com;
cwatchorn@firstenergycorp.com;
khehmeyer@beneschlaw.com;
mkeaney@beneschlaw.com;
talexander@beneschlaw.com;
dproano@bakerlaw.com;
ahaque@bakerlaw.com;
eprouity@bakerlaw.com;
pwillison@bakerlaw.com;
mkurtz@BKLawfirm.com;
jkylercohn@BKLawfirm.com;
gkrassen@nopec.org;
dstinson@brickergraydon.com;
rdove@keglerbrown.com;
nbobb@keglerbrown.com;
john.finnigan@occ.ohio.gov;
keith.layton@occ.ohio.gov;
connor.semple@occ.ohio.gov;
stacie.cathcart@igs.com;
evan.betterton@igs.com;
michael.nugent@igs.com;
josephmeissner@yahoo.com;
trhayslaw@gmail.com;
leslie.kovacik@toledo.oh.gov;
bojko@carpenterlipps.com;
[wygonski@carpenterlipps.com](mailto>wygonski@carpenterlipps.com);
cgrundmann@spilmanlaw.com;
dwilliamson@spilmanlaw.com;
slee@spilmanlaw.com;
mkl@smxblaw.com;
jrb@smxblaw.com;
dborchers@brickergraydon.com;
kherrstein@brickergraydon.com;
little@litohio.com;

hogan@litohio.com;
ktreadway@oneenergylc.com;
jdunn@oneenergylc.com;
mjsettineri@vorys.com;
glpetrucci@vorys.com;
aasanyal@vorys.com;

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

5/22/2023 2:13:28 PM

in

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

Summary: Motion to Intervene of The Ohio Hospital Association and Memorandum
in Support electronically filed by Teresa Orahod on behalf of Devin D. Parram.