

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of)	
Ohio Edison Company, The Cleveland)	
Electric Company, and The Toledo Edison)	
Company for Authority to Establish a)	Case No. 23-0301-EL-SSO
Standard Service Offer Pursuant to Revised)	
Code 4928.143 in the Form of an Electric)	
Security Plan)	

**MOTION TO INTERVENE
OF
NATIONWIDE ENERGY PARTNERS, LLC**

Pursuant to Ohio Revised Code 4903.221 and Ohio Administrative Code 4901-1-11, Nationwide Energy Partners, LLC (“NEP”) moves to intervene in these proceedings as a party of record. The reasons supporting the requested intervention are contained in the accompanying Memorandum in Support. Because NEP has a real and substantial interest in the proceedings, which cannot be adequately represented by any other party, NEP respectfully requests that the Commission grant NEP’s Motion to Intervene as a party of record.

Respectfully submitted,

/s/ Brian A. Gibbs
Brian A. Gibbs (0088260)
Nationwide Energy Partners, LLC
230 West Street, Suite 150
Columbus, Ohio 43215
PH: 614-446-8485
Email: brian.gibbs@nationwideenergypartners.com
(willing to accept service by email)
Counsel for Nationwide Energy Partners

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MEMORANDUM IN SUPPORT

R.C. 4903.221 and O.A.C. 4901-1-11 establish the standard for intervention in the subject proceedings as a full party of record. Rule 4901-1-11 provides in relevant part:

(A) Upon timely motion, any person shall be permitted to intervene in a proceeding upon a showing that:

* * *

(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.

The Public Utilities Commission should consider factors such as the nature and extent of an intervenor's interest, the extent that interest is represented by existing parties, the intervenor's potential contribution to a just and expeditious resolution of the issues involved, and whether intervention would result in an undue delay of the proceedings. These factors support the Commission's granting of NEP's request to intervene.

In this proceeding, Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company (collectively "FirstEnergy") filed an application for approval of their fifth electric security plan (ESP V). This proposed plan includes several new riders as well as rate changes for existing riders.

NEP is a limited liability company organized under the laws of the State of Delaware, with its principal office at 230 West Street, Suite 150, Columbus, Ohio 43215. NEP provides energy services for property owners, managers and developers of apartment complexes and condominium buildings. Many of NEP's customers are in the FirstEnergy's service territory. NEP is knowledgeable and experienced in the energy industry and has participated in and contributed to numerous Commission proceedings.

Under OAC Rule 4901-1-11 intervention may be permitted in a proceeding if that party has a real and substantial interest in the proceeding, and the person is so situated that the disposition of the proceeding may impair or impeded his or her ability to protect that interest, unless the person's interest is adequately represented by existing parties. The Supreme Court of Ohio has held that intervention should be liberally allowed by the Commission. *Ohio Consumers' Counsel v. Pub. Util. Comm*, 111 Ohio St. 3d 384, 388 (Ohio 2006) ("intervention ought to be liberally allowed so that the positions of all persons with a real and substantial interest in the proceedings can be considered by the PUCO"). Furthermore, the Commission shall 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 proceedings.
- 4) Whether the prospective intervenor will significantly contribute to full development and equitable resolution of the factual issues.
- 5) The extent to which the person's interest is represented by existing parties.

NEP satisfies the intervention requirements above. First, NEP has a significant interest in the FirstEnergy's pending application, since NEP's business involves EV charging, microgrid construction, engineering design services and other services related to energy service for property owners, managers and developers of apartment complexes and condominium buildings. Second,

the ongoing negotiations, discussions, and resolutions of issues raised within the proceedings will significantly and directly affect the economic interests and development of NEP's business. Third, NEP will not unduly prolong or delay the proceedings. NEP plans to be fully engaged and follow the procedural schedule accordingly. Fourth, NEP will significantly contribute to the full development and equitable resolution of the factual issues. Lastly, no other party to this proceeding is positioned to protect NEP's interest or advance its position related to the FirstEnergy's application and the ESP V.

NEP's Motion to Intervene is timely filed, since no deadline for intervention has yet been established by the Commission.

For the reasons set forth above, Nationwide Energy Partners, LLC respectfully requests that its Motion to Intervene be granted.

Respectfully submitted,

/s/ Brian A. Gibbs

Brian A. Gibbs (0088260)

Nationwide Energy Partners, LLC

230 West Street, Suite 150

Columbus, Ohio 43215

PH: 614-446-8485

Email: brian.gibbs@nationwideenergypartners.com

(willing to accept service by email)

Counsel for Nationwide Energy Partners

CERTIFICATE OF SERVICE

I hereby certify that the Public Utilities Commission of Ohio's e-filing system will electronically serve a copy of this filing on all parties referenced in the service list of the docket who have electronically subscribed to this case.

/s/ Brian A. Gibbs

Brian A. Gibbs (0088260)

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Summary: Motion to Intervene electronically filed by Brian A. Gibbs on behalf of
Nationwide Energy Partners.