

**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 Provide for a)	Case No. 23-0301-EL-SSO
Standard Service Offer Pursuant to R.C. §)	
4928.143 in the Form of an Electric Security)	
Plan)	

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

Pursuant to Ohio Revised Code § 4903.221 and Ohio Admin. Code § 4901-1-11, the Ohio Environmental Council (“OEC”), moves for leave to intervene in the above captioned case. In the above case, the Ohio Edison Company, The Cleveland Electric Illuminating Company and The Toledo Edison Company (“the Companies”) are proposing to implement voluntary energy efficiency programs, alternative energy resource requirements, grid innovation investments, and electric vehicle incentives (the “Plan”).

The OEC has a real and substantial interest in this Plan. The OEC’s interests are not represented by any existing party. The OEC will contribute to a just and expeditious resolution of the issues involved without undue delay or unjust prejudice to any party. Thus, the OEC moves to intervene in this proceeding pursuant to R.C. 4903.221 and O.A.C. 4901-1-11.

WHEREFORE, the OEC respectfully requests the Public Utilities Commission of Ohio grant this motion to intervene for the above reasons and those set forth in the attached Memorandum in Support.

August 18, 2023:

Respectfully Submitted,

/s/Karin Nordstrom

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MEMORANDUM IN SUPPORT OF PETITION TO INTERVENE

Ohio Revised Code § 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. As part of this advocacy, the OEC has intervened in many cases before this Commission including the Companies’ Grid Modernization Phase I case, 16-0481-EL-UNC. The OEC’s Energy Program works to increase innovation in clean, efficient, and competitive energy choices. A modern, efficient, and equitable grid is critical for 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. It will also impact market development of innovative technologies to support greenhouse gas reduction. 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 electricity costs of OEC 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 Ohio's energy law and policies.

Third, pursuant to R.C. 4903.221(B)(3), the Commission shall consider if the OEC's intervention "will unduly prolong or delay the proceedings." The OEC wishes to see the process go as smoothly as possible, and has no intention of causing undue delay. The OEC has significant experience with electric utility cases before the Commission which will contribute to the full development of the legal questions in this proceeding. Thus, the OEC's intervention will not unduly 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 can review and ensure the environmental impacts of the Companies' 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 Manufacturers' Association and retail establishments, like the Kroger Co., represent the interests of large-scale customers. These large-scale consumers focus on price and reliability for bulk energy needs, without particular concern to the source or methods of construction. Consumer advocates such as the Ohio Consumers' Counsel and the Citizens' Utility Board similarly primarily focus on the impact to 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. 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.

The Commission's policy is "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.

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

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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August 18, 2023:

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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 18th day of August 2023.

/s/Karin Nordstrom

Karin Nordstrom

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Summary: Motion Motion to Intervene filed by Karin Nordstrom on behalf of the
Ohio Environmental Council electronically filed by Ms. Karin Nordstrom on behalf of
Ohio Environmental Council.