

**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) Case No. 23-301-EL-SSO
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 ALLOW INSTANTER THE ATTACHED AMICI CURIAE FILING
IN SUPPORT OF THE OFFICE OF THE OHIO CONSUMERS' COUNSEL'S
MOTION TO SCHEDULE A VIRTUAL "LOCAL" PUBLIC HEARING FOR
THE CONVENIENCE OF FIRSTENERGY CONSUMERS TO TESTIFY
REMOTELY REGARDING FIRSTENERGY'S PROPOSED RATE INCREASES
BY
ADVOCATES FOR BASIC LEGAL EQUALITY
COMMUNITY LEGAL AID
LEGAL AID SOCIETY OF CLEVELAND
OFFICE OF THE OHIO CONSUMERS' COUNSEL
OHIO POVERTY LAW CENTER
PRO SENIORS**

The Office of the Ohio Consumers' Counsel (a party) and the undersigned amici curiae move that the PUCO allow the *instanter* amici filing, per O.A.C. 4901-1-12. This motion includes allowing the Advocates for Basic Legal Equality (ABLE) to also make a separate amicus filing to bring to the PUCO's attention certain circumstances that are applicable to Toledo and rural locations, as well as to those who are disabled.

The accompanying amici filing is by ABLE, Community Legal Aid, the Legal Aid Society of Cleveland, the Ohio Poverty Law Center, and Pro Seniors. These groups and the Ohioans they serve have a substantial interest in the question of whether to schedule a virtual public hearing. The amici filing more fully discusses those priorities and sets forth additional grounds for scheduling a virtual public hearing.

Respectfully submitted,

Bruce Weston (0016973)
Ohio Consumers' Counsel

/s/ John Finnigan
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MEMORANDUM IN SUPPORT OF MOTION

The Office of the Ohio Consumers' Counsel (a party) and the undersigned amici curiae are moving that the PUCO allow the *instanter* amici filing, per O.A.C. 4901-1-12, in support of OCC's motion for a virtual hearing. This motion includes allowing the Advocates for Basic Legal Equality (ABLE) to also make a *separate* amicus filing to bring to the PUCO's attention certain circumstances that are applicable to Toledo and rural locations, as well as to those who are disabled.

The attached amici filing is by ABLE, the Legal Aid Society of Cleveland, Community Legal Aid, Pro Seniors and the Ohio Poverty Law Center. These groups and the Ohioans they serve have a substantial interest in the question of whether to schedule a virtual public hearing.

The amici filing more fully discusses the need for a virtual hearing. And it sets forth grounds for scheduling a virtual "local" public hearing, from the experience-based perspectives of the amici. The amici should be heard by the PUCO, in support of a virtual hearing.

Respectfully submitted,

Bruce Weston (0016973)
Ohio Consumers' Counsel

/s/ John Finnigan

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Connor D. Semple (0101102)
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**AMICI CURIAE FILING IN SUPPORT OF THE OFFICE OF THE OHIO
CONSUMERS' COUNSEL'S MOTION TO SCHEDULE A VIRTUAL "LOCAL"
PUBLIC HEARING FOR THE CONVENIENCE OF FIRSTENERGY
CONSUMERS TO TESTIFY REMOTELY REGARDING FIRSTENERGY'S
PROPOSED RATE INCREASES
BY
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OHIO POVERTY LAW CENTER
PRO SENIORS**

The Advocates for Basic Legal Equality (ABLE), Legal Aid Society of Cleveland, Community Legal Aid, Ohio Poverty Law Center (OPLC), and Pro Seniors (collectively "the Amici"), hereby submit this filing. This Amici filing is for the PUCO's consideration in the context of OCC's Motion for a Virtual Public Hearing.

It is fairer to others who may oppose OCC's motion for a virtual hearing that the Amici file now instead of waiting to file a reply under O.A.C. 4901-1-12. The Amici support the OCC's motion and urge the PUCO to ensure that FirstEnergy consumers are able to participate in the proceeding via a virtual "local" hearing.

ABLE is a non-profit regional law firm that provides high-quality legal assistance to help low-income individuals and groups in Ohio achieve self-reliance, equal justice, and economic opportunity. The Legal Aid Society of Cleveland is a civil legal aid

provider in northeast Ohio that provides legal services at no cost to clients with low incomes and advocates for systemic change. Community Legal Aid is a non-profit law firm serving the legal needs of low-income individuals and families in central northeast Ohio. OPLC works to reduce poverty and increase justice by protecting the legal rights of Ohioans living in poverty. Pro Seniors, Inc. is a nonprofit organization that provides free education, advice, advocacy, representation, and justice for seniors in Ohio.

The Amici represent FirstEnergy consumers with low incomes, consumers with disabilities, and consumers who live in rural or isolated areas. These consumers may be able to participate in a virtual hearing but may not have the resources or capacity to participate in in-person proceedings. These consumers will be directly impacted by the rate increases proposed in FirstEnergy's fifth Electric Security Plan (ESP V) and deserve to have their voices heard on the matter.

The way people communicate is changing. And virtual hearings present an opportunity to ensure that underserved individuals and communities in Ohio are given a seat at the table which they have not always had. Holding exclusively in-person hearings is not an adequate measure to ensure that everyday Ohioans are able to have input on PUCO proceedings that affect their daily lives.

Scheduling a virtual hearing on FirstEnergy's rate plan is a prudent and necessary measure to advance the due process rights of the stakeholders the Amici represent. Virtual public testimony in prior cases has offered Ohioans access to the PUCO's process. For multiple years now, the PUCO has held virtual proceedings in past cases for

the convenience of utility companies, expert witnesses, and other parties.¹ Everyday Ohioans – the taxpayers, and the people who pay FirstEnergy’s bills – deserve that same consideration.

Respectfully submitted,

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¹ See, e.g., Case No. 20-1651-EL-AIR, et al.; Case No. 20-585-EL-AIR, et al.; Case No. 23-23-EL-SSO, et al.; and Case No. 22-441-GE-COI.

CERTIFICATE OF SERVICE

It is hereby certified that true copies of the foregoing Motion to Allow Instanter the Attached Amici Curiae Filing and the Amici Filing were served upon the persons listed below via electronic transmission this 29th day of September 2023.

/s/ John Finnigan
John Finnigan
Assistant Consumers' Counsel

The PUCO's e-filing system will electronically serve notice of the filing of this document on the following parties:

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**This foregoing document was electronically filed with the Public Utilities
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9/29/2023 4:59:07 PM

in

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

Summary: Motion Motion to Allow Instantly the Attached Amici Curiae Filing in Support of the Office of the Ohio Consumers' Counsel's Motion to Schedule a Virtual "Local" Public Hearing for the Convenience of FirstEnergy Consumers to Testify Remotely Regarding FirstEnergy's Proposed Rate Increases by Advocates for Basic Legal Equality, Community Legal Aid, Legal Aid Society of Cleveland, Office of the Ohio Consumers' Counsel, Ohio Poverty Law Center and Pro Seniors electronically filed by Ms. Alana M. Noward on behalf of Finnigan, John.