

**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 )  
Approval of a Change in Bill Format )

Case No. 23-0898-EL-UNC

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**NORTHEAST OHIO PUBLIC ENERGY COUNCIL’S  
MOTION TO INTERVENE, SUSPEND THE AUTOMATIC APPROVAL PROCESS AND  
REQUEST TO ESTABLISH A COMMENT PERIOD**

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Pursuant to Ohio Revised Code Section (“R.C.”) 4903.221 and Ohio Administrative Code (“OAC”) 4901-1-11, the Northeast Ohio Public Energy Council (“NOPEC”) respectfully requests that the Public Utilities Commission of Ohio (“PUCO”) grant its motion to intervene in this proceeding. The PUCO should grant the motion to intervene because NOPEC has a real and substantial interest in this proceeding. NOPEC has a real and substantial interest in this proceeding because the bill modifications proposed in this case will impact how information is communicated to many of NOPEC’s electric governmental aggregation customers. The PUCO’s disposition of this proceeding may impair or impede NOPEC’s ability to protect its interest as a governmental aggregation service provider to many of FirstEnergy’s electric distribution customers. NOPEC’s participation in this this case will not unduly prolong or delay this proceeding, and it will contribute to the full development and equitable resolution of the issues in this proceeding. NOPEC’s interests also will not be adequately represented by other parties to this proceeding.

In addition, to NOPEC’s motion to intervene, it also supports the Office of the Ohio Consumers’ Counsel’s motion to suspend the automatic approval process, and requests the Commission to establish a comment period in this case. The reasons therefore are contained in the accompanying Memorandum in Support.

Respectfully submitted,



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**MEMORANDUM IN SUPPORT**

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On September 27, 2023, Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company (collectively “FirstEnergy” or the “Companies”) filed an application for authority to completely redesign its bill for all residential and nonresidential customers. FirstEnergy states that this redesign is intended to modernize and align its bill with customer input and expectations around bill format and content.

NOPEC is a regional council of governments established under R.C. Chapter 167 and is made up of about 240 member counties, townships and municipal corporations in 19 Ohio counties. It is a large-scale governmental aggregator that provides services primarily in the service territories of The Cleveland Electric Illuminating Company and Ohio Edison Company.

R.C. 4903.221(B) and OAC Rule 4901-1-11(A)(2) govern intervention in PUCO proceedings. Substantially similar in substance, these provisions provide that the PUCO may consider the following in determining whether to grant intervention:

- (1) The nature and extent of the person’s interest;<sup>1</sup>
- (2) The legal position of the person seeking intervention and its relation to the merits of the case;<sup>2</sup>

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<sup>1</sup> R.C. 4903.221(B)(1) and OAC 4901-1-11(B)(1).

<sup>2</sup> R.C. 4903.221(B)(2) and OAC 4901-1-11(B)(2).

- (3) Whether intervention would unduly delay the proceeding or unjustly prejudice any existing party;<sup>3</sup>
- (4) The person's potential contribution to full development and equitable resolution of the issues involved in the proceeding;<sup>4</sup> and
- (5) The extent to which the person's interest is represented by existing parties.<sup>5</sup>

Consistent with these requirements, NOPEC has a real and substantial interest in the above-captioned proceeding, and the legal issues NOPEC intends to raise directly relate to the merits of this case. The majority of NOPEC's electric aggregation customers are served by FirstEnergy. FirstEnergy seeks substantial modifications to its bill format which will change how information is conveyed to consumers. These modifications include changes to how competitive retail electric service information is communicated to consumers. NOPEC has a particular interest in what information is communicated to customers in utility bills, and how it is communicated, because this information directly impacts NOPEC's electric aggregation customers.

NOPEC's motion to intervene will not unduly delay this proceeding, or unjustly prejudice any existing party. The Office of the Ohio Consumers' Counsel ("OCC") and Ohio Energy Leadership Council (OELC), f/k/a Industrial Energy Users-Ohio have also sought intervention. In addition, OCC filed a motion on October 17, 2023, to suspend the automatic approval process to provide the Commission and parties more time to consider FirstEnergy's application. NOPEC supports OCC's motion due to the importance of the not only the information displayed, but also the way in which such information is displayed, to NOPEC's customers, as well as all other customers of FirstEnergy in Ohio. Furthermore, NOPEC requests that the Commission issue an entry establishing a comment period to fully consider the parties' recommendations regarding modifications to FirstEnergy's bill

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<sup>3</sup> R.C. 4903.221(B)(3) and OAC 4901-1-11(B)(3).

<sup>4</sup> R.C. 4903.221(B)(4) and OAC 4901-1-11(B)(4).

<sup>5</sup> OAC 4901-1-11(B)(5).

format. NOPEC will work cooperatively with FirstEnergy and others in the case in order to maximize case efficiency where practical, to reach an equitable resolution of all issues.

Finally, NOPEC submits that no current party represents its unique interests in this case. NOPEC is uniquely positioned to represent the interests of large-scale governmental aggregators, its community members and their residential and small business customers participating in NOPEC's programs. Disposition of this proceeding without NOPEC's participation will impair or impede its ability to protect those interests.

WHEREFORE, NOPEC respectfully requests that the Commission grant its motion to intervene in this case, suspend the automatic approval process as requested by OCC's motion filed October 17, 2023, and establish a comment period in this case.

Respectfully submitted,



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**CERTIFICATE OF SERVICE**

I certify that the foregoing was filed electronically through the Docketing Information System of the Public Utilities Commission of Ohio on this 27<sup>th</sup> day of October 2023. The PUCO's e-filing system will electronically serve notice of the filing of this document on counsel for all parties. The following parties were served by electronic mail a copy of this document the same date.



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**Case No(s). 23-0898-EL-UNC**

Summary: Motion of Northeast Ohio Public Energy Council's to Intervene, Suspend the Automatic Approval Process and Request to Establish a Comment Period and Memorandum in Support electronically filed by Teresa Orahood on behalf of Devin D. Parram.