Supreme Court of Ohio Clerk of Court - Filed August 26, 2026 - Case No. 2026-1056

IN THE SUPREME COURT OF OHIO

In the Matter of the Application of Ohio Edison Company, The Cleveland Electric Illuminating Company and The Toledo Edison Company for an Increase in Electric Distribution Revenues.	)	Case No. 2026-1056
In the Matter of the Application of Ohio Edison Company, The Cleveland Electric Illuminating Company and The Toledo Edison Company for Tariff Approval.	)	On Appeal from 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 to Change Accounting Methods.	)	
In the Matter of the Application of Ohio Edison Company, The Cleveland Electric Illuminating Company and The Toledo Edison Company for Approval of Miscellaneous Customer Programs.	)	Pub. Util. Comm. Case Nos. 24-468-EL-AIR, 24-469-EL-ATA, 24-470-EL-AAM and 24-471-EL-UNC

MOTION TO INTERVENE AS APPELLEE BY OFFICE OF THE OHIO CONSUMERS' COUNSEL

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August 26, 2026

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The Office of the Ohio Consumers' Counsel ("OCC"), on behalf of FirstEnergy's[1] residential utility consumers, respectfully requests that this Court grant it leave to intervene as an appellee in this case.

The Public Utilities Commission of Ohio's ("PUCO") decision below, ordering a prudence review of FirstEnergy's deferred storm restoration costs and requiring FirstEnergy to collect these costs over a longer period of time, is a step toward providing consumers with a

[1] "FirstEnergy" refers collectively to Ohio Edison Company, The Cleveland Electric Illuminating Company and The Toledo Edison Company.

measure of relief from the current affordability crisis. FirstEnergy now seeks review of the PUCO's order. The Court should grant this motion under Rule 4.01(A) for the reasons set forth in the attached memorandum in support.

Respectfully submitted,

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MEMORANDUM IN SUPPORT

OCC has statutory authority to "intervene in, or otherwise participate in proceedings in both state and federal courts and administrative agencies on behalf of the residential consumers concerning review of decisions rendered by * * * the public utilities commission." R.C. 4911.02(B)(2)(c). This appeal is a state court proceeding regarding FirstEnergy's consumer charges for essential electric service during an affordability crisis.

The PUCO acted reasonably in the case below to protect consumers' interests. In its order, the PUCO required a prudence review of the $245 million in deferred storm restoration costs that FirstEnergy seeks to collect from consumers. The PUCO's order also required

FirstEnergy to mitigate the impact of its rate increase by collecting these costs from consumers over a longer time period.

OCC was an active participant in the case below. OCC supported a prudence review of the $245 million in deferred storm restoration costs, presented expert testimony, cross-examined witnesses, explained the consumer perspective through post-hearing briefs, and opposed applications for rehearing, which ultimately led to this appeal. Through this appeal, FirstEnergy seeks to undo the PUCO-approved consumer protections.

This Court should allow OCC to continue representing Ohio utility consumers by granting this motion. *See In re Application of Ohio Power Co.*, 2025-Ohio-5620 (granting OCC's motion to intervene as appellee on behalf of residential consumers in Ohio Power Co.'s data center tariff case).

To provide a continued voice for Ohio consumers, OCC respectfully requests that the Court grant its motion to intervene as appellee.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion to Intervene as Appellee was served upon all parties of record via electronic transmission this 26th day of August 2026.

/s/ John Finnigan
John Finnigan
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