

IN THE SUPREME COURT OF OHIO

Industrial Energy Users-Ohio, Inc.,	:	
	:	CASE NO. 2013-0228
Appellant,	:	
	:	On Appeal from the Public Utilities
v.	:	Commission of Ohio, Case No. 10-2929-
	:	EL-UNC, <i>In the Matter of the</i>
The Public Utilities Commission of Ohio,	:	<i>Commission Review of the Capacity</i>
	:	<i>Charges of Ohio Power Company and</i>
Appellee.	:	<i>Columbus Southern Power Company.</i>

**FIRSTENERGY SOLUTIONS CORP.'S
MOTION TO CHANGE PARTY DESIGNATION**

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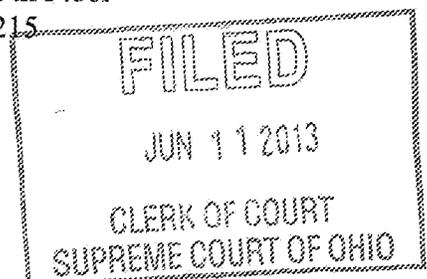
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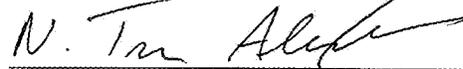
FirstEnergy Solutions Corp. (“FES”) respectfully requests that the Court designate FES as an appellant/cross-appellee in this matter. This matter involves an appeal of decisions made by the Public Utilities Commission of Ohio (the “Commission”) in Case No. 10-2929-EL-UNC. The Commission’s final Entry on Rehearing was issued on January 30, 2013. *See* FES’ Notice of Cross Appeal, Ex. D. FES was a party to that underlying proceeding. *See id.* Thus, pursuant to R.C. 4903.11, FES and all other parties had the right to appeal the Commission’s findings by filing a notice of appeal with this court within 60 days of the Commission’s final Entry on Rehearing.

Appellant Industrial Energy Users-Ohio (“IEU-Ohio”) initiated this docket by filing a Notice of Appeal on February 6, 2013. Pursuant to Sup. Ct. Prac. R. 10.02(A), “if a party files a notice of appeal [from the Commission] in the Supreme Court, any other party may file a notice of cross-appeal pursuant to R.C. 4903.13.” Accordingly, FES subsequently filed a “Notice of Cross-Appeal” on February 11, 2013 (and identified itself as an appellant). *See* FES’ Notice of Cross-Appeal. However, as a result of that filing, FES stands designated as an appellee/cross-appellant – meaning that FES would file the second and fourth briefs, pursuant to Sup. Ct. Prac. R. 16.05. But FES is more properly aligned as an appellant with the other intervenors, including IEU-Ohio and the Office of the Ohio Consumers’ Counsel, and requests that it be re-designated.

FES, IEU-Ohio, and OCC all intervened in the underlying Commission proceeding to challenge Intervening Appellee Ohio Power Company’s (“AEP Ohio”) request to charge an above-market rate for capacity. Now, FES, IEU-Ohio, and OCC all challenge the Commission’s orders that authorize AEP Ohio to charge an above-market price. FES’ presentation of its arguments – and the Commission’s and AEP Ohio’s respective right to respond to FES’ arguments – would be more properly and clearly submitted to the Court as an appellant, along

with the other similarly situated parties. Accordingly, FES requests that the Court re-designate FES as an appellant/cross-appellee.

Respectfully submitted,



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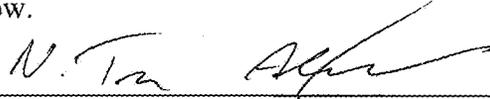
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing *FirstEnergy Solutions Corp.'s Motion to Change Party Designation* was served this 11th day of June, 2013, via first-class U.S. mail, postage prepaid, upon the parties below.



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