

## IN THE SUPREME COURT OF OHIO

ALLIED ERECTING AND  
DISMANTLING CO.,

Appellant,

v.

OHIO EDISON COMPANY,<sup>1</sup>

Appellee.

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Case No. 2014-0008

On Appeal from the Public Utilities  
Commission of Ohio in  
Case No. 07-905-EL-CSS

MOTION OF OHIO EDISON COMPANY  
FOR LEAVE TO INTERVENE AS APPELLEE

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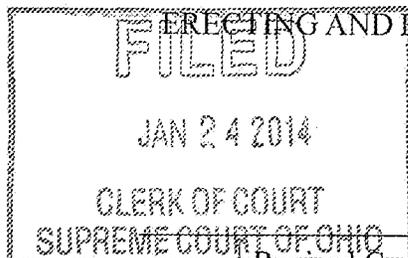
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Revised Code Section 4903.13 requires that an appeal of an order of the Public Utilities Commission of Ohio ("Commission") be brought "against the [C]ommission" (*i.e.*, naming the Commission as Appellee). Appellant, however, incorrectly named Ohio Edison Company as the Appellee. To the extent the Court considers the Commission as the primary Appellee in this case, Ohio Edison Company hereby seeks leave to intervene.

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UTILITIES COMMISSION OF OHIO

Ohio Edison Company (“Ohio Edison”) hereby seeks leave to intervene as an intervening Appellee in this matter. This case is before the Court on appeal by Allied Erecting and Dismantling Co. (“Appellant”) from the Public Utilities Commission of Ohio’s (“Commission’s”) September 11, 2013, Opinion and Order and November 6, 2013, Entry on Rehearing in Case No. 07-905-EL-CSS (collectively, the “Orders”). The Commission proceeding involved a complaint brought by Appellant arising out of a back bill Ohio Edison issued to Appellant for approximately two and a half years worth of electricity that Appellant had used but not paid for.

As a party to the Commission proceeding below, Ohio Edison is directly affected by the Commission’s Orders and the appeal of those Orders. Moreover, this appeal seeks to overturn those Orders so as to achieve a result that would be contrary to Ohio Edison’s interest. Absent a grant of intervention, Ohio Edison’s ability to protect this real and substantial interest may be impaired or impeded, and the Court will not have the benefit of hearing from Ohio Edison, whose practices are at issue in this proceeding. Neither Appellant nor the Commission can adequately represent Ohio Edison’s interests in this proceeding. The Court has previously permitted Ohio Edison to intervene in similar circumstances. *See, e.g., Smith v. Ohio Edison Company*, 137 Ohio St. 3d 7, 2013-Ohio-4070, 996 N.E.2d 927 (listing Ohio Edison in the case caption as the intervening Appellee); *Wimmer v. Public Utilities Commission*, 131 Ohio St. 3d 283, 2012-Ohio-757, 946 N.E.2d 411, (same); *Wilkes v. Ohio Edison Company*, 131 Ohio St. 3d 252, 2012-Ohio-609, 963 N.E.2d 1285 (same).

WHEREFORE, Ohio Edison respectfully requests that the Court grant it leave to intervene as an intervening Appellee in this proceeding.

Dated: January 24, 2014

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Motion of Ohio Edison Company for Leave to Intervene as Appellee was delivered to the following via regular U.S. mail this 24th day of January, 2014:

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