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June 6, 2014

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor
Harrisburg, PA 17120

VIA ELECTRONIC FILING

**RE: John R. Evans, Small Business Advocate v. FirstEnergy Solutions Corporation;
Docket No. P-2014-2421556**

Dear Secretary Chiavetta:

Enclosed for filing with the Pennsylvania Public Utility Commission ("PUC" or "Commission") is the Petition to Intervene of the FES Industrial and Commercial Customer Coalition ("FES ICC"), in the above-referenced proceeding.

As evidenced by the attached Certificate of Service, all parties to the proceeding are being served with a copy of this document. Thank you.

Sincerely,

McNEES WALLACE & NURICK LLC

By 
Charis Mincavage

Counsel to the FES Industrial and Commercial Customer Coalition

Enclosures

c: Chief Administrative Law Judge Charles E. Rainey, Jr. (via E-Mail and First-Class Mail)
Certificate of Service

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CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing document upon the participants listed below in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

VIA EMAIL AND FIRST-CLASS MAIL

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Charis Mincavage

Counsel to FES Industrial & Commercial Customer
Coalition

Dated this 6th day of June, 2014 at Harrisburg, Pennsylvania.

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

John R. Evans, Small Business Advocate,	:	
Petitioner	:	
	:	
v.	:	Docket No. P-2014-2421556
	:	
FirstEnergy Solutions Corporation,	:	
Respondent	:	

**PETITION TO INTERVENE
OF THE FES INDUSTRIAL AND COMMERCIAL CUSTOMER COALITION**

TO THE HONORABLE, THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

Pursuant to Sections 5.71 through 5.74 of the Pennsylvania Public Utility Commission's ("PUC" or "Commission") Regulations, 52 Pa. Code §§ 5.71 - 5.74, the FES Industrial and Commercial Customer Coalition ("FES ICCC") hereby files this Petition to Intervene in the above-captioned proceeding. In support thereof, FES ICCC states as follows:

1. Petitioner is the FES Industrial and Commercial Customer Coalition. The composition of FES ICCC is attached hereto as Appendix A. FES ICCC reserves the right to modify Appendix A throughout the course of this proceeding, as necessary.

2. The names and address of Petitioner's attorneys are:

Susan E. Bruce (I.D. No. 80146)
Charis Mincavage (I.D. No. 82039)
Andrew S. Ziegler (I.D. No. 314859)
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3. On May 15, 2014, the Office of Small Business Advocate ("OSBA") filed a Petition for Declaratory Order ("Petition") requesting that the Commission prohibit FirstEnergy Solutions Corp. ("FES") from billing small business customers for certain ancillary service charges that FES claims were imposed upon it by PJM Interconnection, L.L.C. ("PJM"). Petition at 1. OSBA asserted that FES incurred such fees in the normal course of business and that the fees were not imposed upon FES by PJM; therefore, there was no pass-through event. *Id.* at 6. In addition, OSBA requested that the Commission direct FES to refund any ancillary services costs that it has recovered from customers to date with interest. *Id.* at 7.

4. FES ICCC is an *ad hoc* group of energy-intensive, Large Commercial and Industrial ("C&I") customers receiving electric distribution service from Electric Distribution Companies ("EDCs") throughout Pennsylvania. The members of the FES ICCC receive generation supply from FES, an Electric Generation Supplier ("EGS") licensed in Pennsylvania. Because FES ICCC members use substantial volumes of electricity in their manufacturing and operational processes, electricity costs are a significant element of these members' respective costs of operation.

5. FES ICCC members entered into fixed-price contracts with FES, and similar to the customers addressed in the OSBA's Petition, FES ICCC members also received notice from FES that FES would be billing FES ICCC members for ancillary service charges, even though these charges were already included in FES ICCC members' fixed-price generation service. Because any decisions made by the Commission in this proceeding could directly impact the application of these charges by FES to FES ICCC members, FES ICCC is directly impacted by the outcome of this proceeding. FES ICCC agrees with the OSBA that FES's fixed-price contracts do not permit such charges to be billed to any customers on such fixed-price agreements.

6. Therefore, consistent with 52 Pa. Code § 5.72(a), FES ICCC has a significant interest in this proceeding that is not represented by any other party of record. Accordingly, FES ICCC should be granted intervenor status in this proceeding.

WHEREFORE, the FES Industrial and Commercial Customer Coalition respectfully requests that the Pennsylvania Public Utility Commission grant this Petition to Intervene, provide the FES Industrial and Commercial Customer Coalition with full-party status in this proceeding, and allow for any other relief as the Commission deems necessary.

Respectfully submitted,

McNEES WALLACE & NURICK LLC

By 

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Counsel to the FES Industrial and Commercial
Customer Coalition

Dated: June 6, 2014

APPENDIX A

FES INDUSTRIAL & COMMERCIAL CUSTOMER COALITION

Appvion, Inc.
Carpenter Technology Corp. – Latrobe Operation
Mersen USA St Marys-PA Corp.
Plastek Industries Inc.
Sheetz, Inc.
University of Pittsburgh