

COMMONWEALTH OF PENNSYLVANIA



OFFICE OF CONSUMER ADVOCATE

555 Walnut Street, 5th Floor, Forum Place  
Harrisburg, Pennsylvania 17101-1923  
(717) 783-5048  
800-684-6560

FAX (717) 783-7152  
consumer@paoca.org

June 17, 2014

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

RE: FES Industrial & Commercial Customer  
Coalition v. FirstEnergy Solutions Corp.  
Docket No. C-2014-2425989

Secretary Chiavetta:

Enclosed please find the Office of Consumer Advocate's Notice of Intervention and Public Statement in the above-referenced proceeding.

Copies have been served as indicated on the enclosed Certificate of Service.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Brandon J. Pierce".

Brandon J. Pierce  
Assistant Consumer Advocate  
PA Attorney I.D. #307665  
E-Mail: [BPierce@paoca.org](mailto:BPierce@paoca.org)

Enclosures

cc: Office of Administrative Law Judge  
Office of Special Assistants  
Certificate of Service

\*184999



**PUBLIC STATEMENT OF THE OFFICE OF CONSUMER ADVOCATE  
PURSUANT TO 71 P.S. SECTION 309-4(e)**

Act 161 of the Pennsylvania General Assembly, 71 P.S. § 309-2, as enacted July 9, 1976, authorizes the Office of Consumer Advocate (OCA) to represent the interests of consumers before the Pennsylvania Public Utility Commission (Commission). In accordance with Act 161, and for the following reasons, the Office of Consumer Advocate determined to file an Intervention and participate in proceedings before the Commission involving FirstEnergy Solutions Corporation (FES or the Company).

On June 9, 2014, the FES Industrial & Commercial Customer Coalition (FES ICCC) filed a Complaint with the Commission seeking a stay in the FES ICCC members' responsibility for paying certain charges, denying FES's ability to implement such charges, reviewing the appropriateness of FES's licensure, and other actions the Commission deems as necessary and appropriate.

In March 2014, FES began sending customers on "fixed price" plans postcards stating that these customers would be billed a surcharge for an "RTO Expense Surcharge." On the postcards, FES stated that it has the right to increase customers' bills to recover "extremely high ancillary services costs" incurred in January 2014 and billed to FES by the PJM Interconnection. On April 25, 2014, FES stated its intention to not bill residential customers for the charges. FES still intends to bill commercial and industrial customers. The OCA submits that a Commission determination would provide needed guidance to the parties, consumers and all electric generation suppliers. Therefore, the Office of Consumer Advocate has filed this Intervention with the Commission to ensure that consumers' interests are represented.

CERTIFICATE OF SERVICE

Re: FES Industrial & Commercial Customer Coalition v. FirstEnergy Solutions Corp.  
Docket No. C-2014-2425989

I hereby certify that I have this day served a true copy of the foregoing document, the Office of Consumer Advocate's Notice of Intervention and Public Statement, upon parties of record in this proceeding in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant), in the manner and upon the persons listed below:

Dated this 17th day of June 2014.

SERVICE BY E-MAIL & INTER-OFFICE MAIL

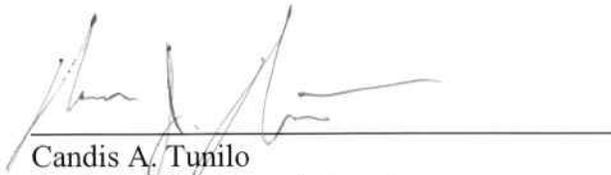
Johnnie Simms, Esq.  
Bureau of Investigation & Enforcement  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17120

SERVICE BY E-MAIL & FIRST CLASS MAIL, POSTAGE PREPAID

Amy M. Klodowski, Esq.  
FirstEnergy Solutions Corp.  
800 Cabin Hill Dr.  
Greensburg, PA 15601

Charis Mincavage, Esq.  
Susan E. Bruce, Esq.  
Andrew S. Ziegler, Esq.  
McNees Wallace & Nurick LLC  
100 Pine Street  
P.O. Box 1166  
Harrisburg, PA 17108-1166

John R. Evans  
Office of Small Business Advocate  
Commerce Building, Suite 1102  
300 North Second Street  
Harrisburg, PA 17101



Candis A. Tunilo  
Assistant Consumer Advocate  
PA Attorney I.D. # 89891  
E-Mail: [CTunilo@paoca.org](mailto:CTunilo@paoca.org)

Brandon J. Pierce  
Assistant Consumer Advocate  
PA Attorney I.D. # 307665  
E-Mail: [BPierce@paoca.org](mailto:BPierce@paoca.org)

Counsel for  
Office of Consumer Advocate  
555 Walnut Street 5th Floor, Forum Place  
Harrisburg, PA 17101-1923  
Phone: (717) 783-5048  
Fax: (717) 783-7152  
\*184998