

FILE
FirstEnergy.

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FAX

*Via Federal Express
and Facsimile (614-466-0313)*

March 2, 2007

Ms. Renee J. Jenkins
Director, Administration Department
Secretary to the Commission
Docketing Division
The Public Utilities Commission of Ohio
180 East Broad Street
Columbus, OH 43215-3793

Dear Ms. Jenkins:

**Re: Memorandum Contra OEG Motion to Intervene
Case No. 07-128-EL-ATA**

Enclosed for filing, please find the original and twelve (12) copies of the *Memorandum Contra OEG Motion to Intervene* regarding the above-referenced case. Please file the enclosed *Memorandum*, time-stamping the two extras and returning them to me in the enclosed envelope.

Thank you for your assistance in this matter. Please contact me if you have any questions concerning this matter.

Very truly yours,

Kathy J. Kolich

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Enclosures
cc: Parties of Record

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BEFORE 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 of a Rider)	Case No. 07-128-EL-ATA
for the Collection of RTO Costs and)	
Transmission and Ancillary Service Costs)	
and for Accounting Authority to Modify)	
Their Accounting Procedures.)	

Memorandum Contra OEG Motion to Intervene Case No. 07-128-EL-ATA

On February 15, 2007, the Ohio Energy Group ("OEG") filed a motion to intervene in the instant proceeding. The Ohio Operating Companies of Ohio Edison Company, The Toledo Edison Company, and The Cleveland Electric Illuminating Company (collectively, "Companies") ask that the Motion to Intervene be denied, given that the Companies' filing has not yet been made, nor will it be made until the end of April, 2007. Moreover, the filing that will be made in approximately two months is a compliance filing, made pursuant to the Commission's August 3, 2005 Order in Case No. 04-1932-EL-ATA and consistent with the Stipulation approved by the Commission in said Order.

Pursuant to OAC Section 4901-1-11, OEG must demonstrate that it has

a real and substantial interest in the proceeding, and the person is so situated that the disposition of the proceeding may, as a practical matter, impair or impede his or her ability to protect that interest, unless the person's interest is adequately represented by existing parties.

Inasmuch as the filing has yet to be made, it is virtually impossible for OEG to demonstrate that it has a real and substantial interest in this proceeding. Until it reviews the filing, OEG cannot possibly determine its interests, whether they are adequately protected, or even if it has issues with the filing. OEG's motion is premature and, should therefore, be denied.

Respectfully submitted,

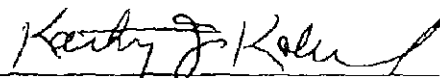


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CERTIFICATE OF SERVICE

THIS IS TO CERTIFY that a copy of the foregoing Memorandum Contra OEG Motion to Intervene was served upon David F. Boehm, Esquire, Boehm, Kurtz & Lowry, 36 East Seventh Street, Suite 1510, Cincinnati, Ohio 45202 by regular U.S. Mail. postage prepaid, this 2nd day of March 2007.

Respectfully submitted,



Kathy J. Kolch (0038855)

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