

FILE

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PUCO

VIA OVERNIGHT MAIL

May 17, 2007

Public Utilities Commission of Ohio
PUCO Docketing
180 E. Broad Street, 10th Floor
Columbus, Ohio 43215

In re: Case No. 07-551-EL-AIR, 07-552-EL-ATA, 07-553-EL-AAM and 07-554-EL-UNC

Dear Sir/Madam:

Please find enclosed an original and ten (10) copies of the Petition to Intervene of The Kroger Co. filed in the above-referenced matter.

Copies have been served on all parties on the attached certificate of service. Please place this document of file.

Respectfully yours,



Michael L. Kurtz, Esq.
Kurt J. Boehm, Esq.
BOEHM, KURTZ & LOWRY

MLKkew
Encl.

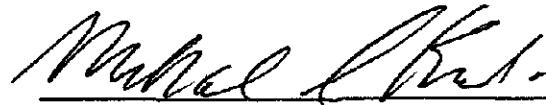
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CERTIFICATE OF SERVICE

I hereby certify that true copy of the foregoing was served by regular mail, unless otherwise noted, this 17th day of May, 2007 to the following:

Kolich, Kathy Attorney At Law
FirstEnergy Corp
76 South Main Street
Akron Oh 44308

Feld, Stephen L
FirstEnergy Service Company
76 South Main Street
Akron Oh 44308

A handwritten signature in cursive script, appearing to read "Michael L. Kurtz", is written over a horizontal line.

Michael L. Kurtz, Esq.
Kurt J. Boehm, Esq.

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BEFORE THE
PUBLIC UTILITY COMMISSION OF OHIO

PUCO

In The Matter Of The Application Of Ohio Edison	:	
Company The Cleveland Electric Illuminating	:	Case Nos. 07-551-EL-AIR
Company And The Toledo Edison Company For	:	07-552-EL-ATA
Authority To Increase Rates For Distribution	:	07-553-EL-AAM
Service, Modify Certain Accounting Practices And	:	07-554-EL-UNC
For Tariff Approvals.	:	
	:	

INTERVENTION OF THE
THE KROGER CO.

Pursuant to Ohio Rev. Code §4903.22.1 and Ohio Admin. Code §4901-1-11, the Kroger Co. ("Kroger") files this intervention.

Kroger is a corporation engaged in the business of selling groceries at retail throughout the United States. One of the largest retail food companies in the United States, Kroger operates approximately 200 grocery stores in the state of Ohio. Kroger has approximately 33 billing accounts with Ohio Edison under Rates 23 and 21. Kroger has approximately 30 billing accounts with Toledo Edison under Rates 628, 667 and 669. Petitioner is one of the largest commercial customers served by the Company. The grocery stores operated by Kroger are high load factor facilities that use energy for food storage, lighting, heating, cooling and distribution, often on a 24 hour a day, 7 day a week basis. Therefore, the interests of Kroger may be directly affected by the outcome of this proceeding. The interests of Kroger cannot be adequately represented by any other party. Kroger intends to play a constructive role in this case and provide information which will assist the Commission.

No other party to this proceeding can adequately represent Kroger's interest. Intervention would not unduly delay the proceeding nor unjustly prejudice any existing party.

Accordingly, Kroger has a real and substantial interest and is entitled to intervene in this action under Ohio Rev. Code §4903.22.1 and Ohio Admin. Code §4901-1-11.

Respectfully submitted,



Michael L. Kurtz, Esq.

Kurt J. Boehm, Esq.

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COUNSEL FOR THE KROGER CO.

May 17, 2007