

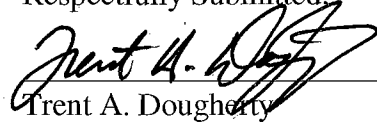
**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Ohio Edison)	
Company, The Cleveland Electric Illuminating)	
Company, and The Toledo Edison Company)	Case No. 07-796-EL-ATA
For Approval of a Competitive Bidding Process)	Case No. 07-797-EL-AAM
For Standard Service Offer Electric Generation)	
Supply, Accounting Modifications Associated)	
With Reconciliation Mechanism and Phase In,)	
And Tariffs for Generation Service)	

**MOTION TO INTERVENE
BY
THE OHIO ENVIRONMENTAL COUNCIL**

Pursuant to R.C. Chapter 4911, R.C. 4903.221, Ohio Adm. Code 4901-1-11 and 4901-1-12, the Ohio Environmental Council ("OEC"), on behalf of all OEC members served by the Ohio Edison Company, The Cleveland Electric Illuminating Company, and the Toledo Edison Company (collectively, "FirstEnergy EDUs"), moves the Public Utilities Commission of Ohio ("PUCO" or "Commission") to grant the OEC's intervention in the above mentioned cases. These cases were filed on July 10, 2007 by the FirstEnergy EDUs. Reasons in support of granting the OEC's motion are set forth in the attached Memorandum of Support.

Respectfully Submitted,



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MEMORANDUM IN SUPPORT

I. INTRODUCTION

The OEC moves to intervene in the above-captioned docket in order to represent the interests of its members who are customers of the FirstEnergy EDUs. On July 10, 2007, the FirstEnergy EDUs filed an application (“Application”) pursuant to R.C. 4928.14 and Ohio Adm. Code 4901:1-35 regarding a competitive bidding process “designed to procure supply for the provision of Standard Service Offer electric generation service...to the Companies’ retail electric customers.” The filing will be central to pricing of generation services for residential customers beginning on January 1, 2009 and thereafter if the Commission approves the Application.

II. INTERVENTION

The OEC is a statewide non-profit environmental advocacy organization with over 100 member environmental/conservation organizations and thousands of individual members throughout the state of Ohio. The OEC is the state's premier advocate for our air, land and water, and for over 35 years, has been behind the scenes and on the front lines of Ohio's most important environmental issues. The OEC works with individuals, government, local groups, and businesses to unleash the power of innovation to enhance the quality of life in our communities and sustain the natural systems upon which all life depends. The OEC moves to intervene to represent the particular interests of its members in the aforementioned service area. R.C. 4903.221 provides, in part, that any person “who may be adversely affected” by a PUCO proceeding is entitled to seek intervention in that proceeding.

The interest of the OEC's members may be "adversely affected" by this case; by the environmental impacts of the quality of the demand response and mechanisms approved. It is possible an agreement could be reached in this proceeding that does not ensure or encourage high levels of energy efficiency or puts in place demand response program that fails to reduce peak demand, thereby encouraging the construction of new coal plants.

Additionally, the OEC's members in the aforementioned service areas are ratepayers themselves and will be directly economically affected by any agreement. Therefore this provision of R.C. 4903.221 is satisfied.

R.C. 4903.221 (B) also requires the commission to consider the following criteria in ruling on motions to intervene:

- 1) The nature and extent of the prospective intervenor's interest;
- 2) The legal position advanced by the prospective intervenor and its probable relation to the merits of the case;
- 3) Whether this intervention by the prospective intervenor will unduly prolong or delay the proceeding; and
- 4) Whether the prospective intervenor will significantly contribute to the full development and equitable resolution of the factual issues

The nature and extent of the OEC's interest in this action is clear. The OEC and its constituent members have a strong interest in ensuring an agreement is reached by this commission that encourages system wide efficiency and provides for wise, environmentally friendly demand response solutions. The OEC will focus on the environmental impacts of any policy pursued here, but will not overlook feasibility and the

impact of consumer rates; the members of the OEC are rate payers themselves, and look for a balance between environmental improvement and cost.

The OEC feels energy efficiency and advanced energy are key to striking this important balance, and that any agreement that even tangentially encourages the development of either is good for Ohio's economy, citizens, and environment.

The OEC's intervention in this matter will not unduly prolong the proceeding. The OEC plans to observe and take note of the process, and ensure that our members' needs are addressed; we hope and expect the interests of the environmental community will be considered in any set of orders.

As well, the OEC's intervention in this matter will undoubtedly and significantly contribute to the full development and equitable resolution of the factual issues. Where energy efficiency and environmental impact are concerned, the OEC is a state leader. No other party in this case will be so devoted to the environmental impacts; the OEC will provide a unique and necessary voice, from an underrepresented perspective.

Besides meeting the criteria under the Revised Code, the OEC meets the standard imposed by the administrative code. To intervene, a party should have a "real and substantial interest" according to Ohio Adm. Code 4901-1-11 (A)(2). As the preeminent statewide environmental organization in Ohio, with a long track record of involvement in energy issues and a history of advocacy on energy efficiency, the OEC has a real and substantial interest in the outcome of this case.

Additionally the OEC meets all the criteria of OAC 4901-1-1(B)(4); these criteria mirror those of R.C. 4903.221(B) which the OEC has demonstrated it meets.

Finally, OAC 4901-1-11(B)(5) states that the Commission shall consider the “extent to which the person’s interest is represented by existing parties.” The OEC satisfies this criterion easily, no party to date has shown the commitment to environmental improvement in the state of Ohio that the OEC has shown, no other constituent base is so focused on environmental concerns.

As a result, the OEC meets all the criteria set forth in R.C. 4903.221 and OAC 4901-1-11. On behalf of all our members in the service area, the Commission should grant the OEC’s Motion to Intervene.

III. CONCLUSION

The OEC satisfies the criteria set forth in R.C. 4903.221 and the Commission’s rules for intervention. Therefore, the OEC respectfully requests that the Commission grant the OEC’s Motion to Intervene. The OEC’s participation in this case will contribute to a just resolution of the serious issues involved in this proceeding and will not cause undue delay.

Respectfully Submitted,


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Summary: Motion to Intervene by the Ohio Environmental Council electronically filed by Mr. Nolan M Moser on behalf of The Ohio Environmental Council