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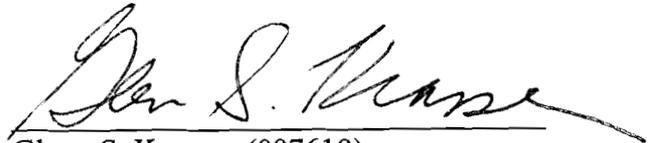
BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

| | | |
|--|---|-------------------------------------|
| In the Matter of the Application of Ohio |) | |
| Edison Company, The Cleveland Electric |) | |
| Illuminating Company, and The Toledo |) | Case No. 07-551-EL-AIR |
| Edison Company for the Authority to |) | Case No. 07-552-EL-ATA |
| Increase Rates for Distribution Service, |) | Case No. 07-553-EL-AAM |
| Modify Certain Accounting Practices and |) | Case No. 07- 553 -EL-UNC |
| for Tariff Approvals. |) | 554 |

MOTION TO INTERVENE
OF
THE OHIO SCHOOLS COUNCIL

The Ohio Schools Council (hereinafter "Schools") respectfully moves the Public Utilities Commission of Ohio to grant the Schools' Motion to Intervene in these proceedings (Ohio Revised Code § 4903.221; Ohio Administrative Code § 4901-1-11). The Schools further explain the reasons for the intervention in the attached Memorandum in Support.

Respectfully submitted,



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**MEMORANDUM IN SUPPORT OF
MOTION TO INTERVENE OF
ON BEHALF OF THE OHIO SCHOOLS COUNCIL**

The Ohio Schools Council (“Schools”) is a regional council of governments established under Chapter 167 of the Ohio Revised Code, and is a political subdivision of the State of Ohio. It has established natural gas and electricity programs comprised currently of members and other participating public school districts for the purpose of purchasing natural gas and electricity, issuing bonds to prepay for energy purchases by the participating school districts, and obtaining electricity savings. Through the Schools’ efforts, the Schools have realized significant energy cost savings, thus conserving increasingly scarce public funds available for education in the State of Ohio.

The Schools have operated electricity purchase programs since 1998 for public school districts. The Schools currently operate an electricity purchase program (called Energy for Education II) which includes 238 public school districts and 11 MR/DD Boards in all three of the FirstEnergy Operating Companies’ Ohio service territories. This program includes all but four Ohio public school districts served by the FirstEnergy Operating Companies, and is in effect until December 31, 2008.

The Schools have a substantial interest in the case. They are significant consumers of electricity distribution and generation from The Cleveland Electric Illuminating Company (“CEI”), Toledo Edison Company (“TE”) and Ohio Edison Company (“OE”) (CEI, TE and OE collectively called “the Operating Companies”). Schools currently participating in the Ohio Schools Council’s electricity program consume in excess of \$80 million of electricity (total bill) per year. Due to the Schools’ load and usage characteristics, much of the Schools’ electricity consumption occurs during “off peak” winter months, which should be reflected in rate design.

In this case, CEI and TE have proposed to eliminate two existing school tariffs, the “Small School Schedule” and the “Large School Schedule”. In attempting to evaluate the impact of CEI’s and TE’s proposal to eliminate the two school schedules on the Schools and whether the schedules are unjust and unreasonable, the Schools require detailed cost-of-service information and workpapers from the Operating Companies. Absent the Schools’ intervention in this case, the Schools will be unable both to obtain such information necessary to fully evaluate the elimination of these two school rate schedules (which have an obvious and direct effect on the Schools) and to make any counterproposals to the Commission.

In addition, the Operating Companies have proposed in this case an extensive change in the design of the Operating Companies’ rates. The Operating Companies have proposed to eliminate nearly all of their current rate codes. These changes directly affect the Schools in all three of the Operating Companies’ service areas. In this Application, the Operating Companies propose to group the Schools in a single secondary general service rate schedule, with other commercial customers that may not have the same cost-of-service characteristics or costs as the Schools.

Further, the Operating Companies propose a \$340 million distribution rate increase. The magnitude of the proposed rate increase makes clear that the Schools will face a significant

distribution rate increase resulting from this Application. The Schools are under extraordinary well-publicized funding pressures in the State. New electric rate increases, both distribution and generation, will have a severe adverse affect on the 249 Ohio public school districts that are participating in the Ohio Schools Council's electricity purchase program.

Ohio Revised Code Section 4903.221 (A) provides for intervention to persons "who may be adversely affected..." by a Commission proceeding and timely file a motion to intervene. Ohio Revised Code Section 4903.221 (B) establishes criteria for the Commission to consider in ruling on motions to intervene:

- (1) the nature and extent of the movant's interest;
- (2) the movant's legal position and its probably relation to the merits;
- (3) whether the movant will unduly prolong or delay the case; and
- (4) whether the movant will significantly contribute to resolution of the factual issues.

Ohio Administrative Code Rule 4901-1-11 (B) provides for intervention upon a showing that the movant has a real and substantial interest. The Rule's criteria for this showing essentially are those in the above-referenced statutes except that the:

Criterion of Section 4903.221(B) (2) does not appear in Rule 4901-1-11(B). The Rule instead includes a criterion regarding the extent to which the movant's interest is represented by existing parties.

Rule 4901-1-11(B) (2), Ohio Administrative Code.

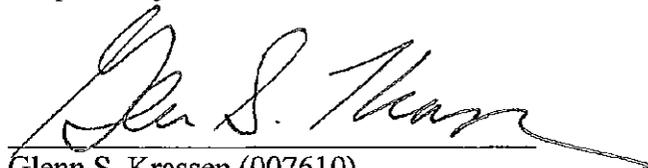
Clearly, the Schools satisfy these standards. The Schools may be "adversely affected" by this proceeding. The instant motion to intervene is timely. No hearing date has yet been set in this case. The Schools have a real and substantial interest in this proceeding which will not be adequately protected by other parties. No existing parties represent the Schools' interest as

commercial electric distribution customers of the Operating Companies with similar load and usage characteristics.

The Schools will contribute to the just and expeditious resolution of these issues. The Schools were granted intervention in CEI's last electric rate case in Case No. 95-300-EL-AIR, et al. in 1995, and participated actively and meaningfully. The Schools participated in Columbia Gas of Ohio, Inc.'s ("COH") last rate case (Case No. 91-195-GA-AIR) and serve on the Collaborative established in PUCO Case No. 91-195-GA-AIR, which resulted in the Stipulation approved by the Commission by COH in Case No. 94-897-GA-AIR, as amended, and continues at present. The Schools also were granted intervention in The East Ohio Gas Company's last rate case (Case No. 93-2006-GA-AIR) and participated as signatory parties to the Stipulation approved by the Commission in that case. Finally, granting the Schools' intervention would not unduly delay the case or unjustly prejudice any party as this rate case is at an early stage.

For these reasons, the Schools' motion should be granted as soon as possible and the Schools made a full party of record.

Respectfully submitted,



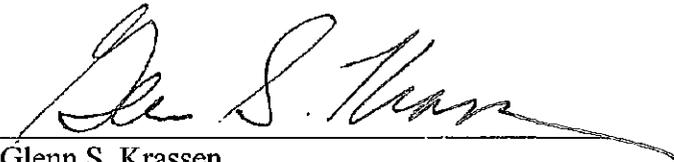
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Dated: August 22, 2007

CERTIFICATE OF SERVICE

I hereby certify that this pleading is being served by fax, first class mail or personal delivery, as shown below, this 22nd day of August 2007.



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