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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)	Case No. 07-1003-EL-ATA
of a Competitive Bidding Process For)	Case No. 07-1004-EL-ATA
Standard Service Offer Electric Generation)	
Supply, Accounting Modifications Associated)	
with Reconciliation Mechanism and Phase In,)	
and Tariffs for Generation Service)	

**MOTION TO INTERVENE
ON BEHALF OF THE COMMUNITIES IN THE
NORTHWEST OHIO AGGREGATION COALITION ("NOAC")**

The Cities of Maumee, Northwood, Oregon, Perrysburg, Sylvania and Toledo, the Village of Holland, the Board of Township Trustees for Lake Township, Wood County, and the Board of County Commissioners for Lucas County (herein collectively "NOAC"), respectively move the Public Utilities Commission ("Commission"), pursuant to Section 4903.211 of the *Ohio Revised Code* and Rule 4901-1-11 of the *Ohio Administrative Code*, for leave to intervene in the above captioned matters. NOAC has a real and substantial interest in the proceeding and the Commission's disposition of this proceeding may impair or impede NOAC's ability to protect that interest. The Commission should grant NOAC intervention herein for the reasons set forth in the Memorandum In Support attached hereto and incorporated herein by reference.

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MEMORANDUM IN SUPPORT

On August 29, 2007, the Ohio Supreme Court affirmed in part and reversed in part the Commission's orders approving a Rate Certainty Plan ("RCP") for FirstEnergy's three operating companies of Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company. In *Elyria Foundry Company, et al. v. Pub. Util. Comm.*, 114 Ohio St.3d 305, 871 N.E.2d 1176 (2007), the Supreme Court held that the Commission violated Section 4928.02(G) of the *Ohio Revised Code* because it permitted FirstEnergy to collect current excess fuel cost increases as future distribution deferrals. Accordingly, the Court remanded the RCP back to the Commission to remedy the statutory violation.

On September 10, 2007, FirstEnergy commenced the current actions by filing its Application on Remand. Herein, FirstEnergy seeks to immediately collect all its excess fuel costs through two new riders – riders which, if approved as proposed, will INCREASE rates to consumers through the end of 2008. The increased rates will apply to, among others, the residential and small commercial electric consumers served by The Toledo Edison Company, FirstEnergy's operating company serving northwestern Ohio.

The Northwest Ohio Aggregation Coalition ("NOAC") is made up of the Member Communities of the Cities of Maumee, Northwood, Oregon, Perrysburg, Sylvania and Toledo, the Village of Holland, the Township Trustees of Lake Township in Wood County, and the Board of County Commissioners of Lucas County. Each of NOAC's Members operates governmental retail electric

aggregation programs serving residential and/or small commercial consumers. Since the start of deregulation, NOAC's aggregation programs have saved roughly 150,000 electric consumers almost \$30 Million off their electric bills. NOAC actively seeks to protect the interests of its consumers and their right to have choice and competitive alternatives against paying the highest electric standard service rates in this state.¹ NOAC also has consistently opposed FirstEnergy proposals to raise its rates above even their historic highs.

NOAC seeks intervention herein to fully participate in these proceedings, to protect the interests of those residential and small commercial consumers who participate in its aggregation programs, to challenge any unnecessary increase in FirstEnergy's already excessively high rates and to resist any further erosion of competitive possibilities in the marketplace prior to 2009. The outcome of these proceedings will have a real and substantial impact on NOAC and no other party is uniquely positioned to represent NOAC's interests herein. NOAC is experienced in participating in actions similar to those herein. NOAC anticipates it will retain one or more expert witnesses to further relevant legal positions on behalf of its aggregations, residential users and commercial customers. NOAC's participation and the contribution of its expert(s) will contribute to a proper and just resolution of these issues involved without imposing any unnecessary delay or prejudice against another party.

For these reasons and in the interests of justice, NOAC's Motion To Intervene should be found well-taken and granted.

¹ See PUCO's July 2007 Utility Rate Survey at:
<http://www.puco.ohio.gov/emplibrary/files/util/UtilityRateSurvey/July07.pdf>

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Motion To Intervene with Memorandum In Support, has been served this 10th day of October, 2007, by United States Mail, first class, postage prepaid, upon the following counsel for the following parties herein:


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