

FILE

BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO

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In the Matter of the Application of Ohio Edison )  
Company, The Cleveland Electric Illuminating )  
Company, and The Toledo Edison Company For ) Case No. 08-124-EL-ATA  
Authority to Modify Certain Accounting Practices ) Case No. 08-125-EL-AAM  
and for Tariff Approvals )

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NUCOR STEEL MARION, INC.'S  
MOTION FOR INTERVENTION AND MEMORANDUM IN SUPPORT

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**I. MOTION FOR INTERVENTION**

Pursuant to Ohio Revised Code ("RC") § 4903.221 and Ohio Administrative Code ("OAC") 4901-1-11, Nucor Steel Marion, Inc. ("Nucor Marion") respectfully moves the Commission for leave to intervene in the above-captioned docket, for the reasons more fully set forth in the below Memorandum in Support.

**II. MEMORANDUM IN SUPPORT**

From the standpoint of both the substantive merits and timeliness of its request, Nucor Marion respectfully submits that it is entitled to intervene in these proceedings. For purposes of considering requests for leave to intervene in a Commission proceeding, OAC 4901-1-11(A) provides that:

Upon timely motion, any person shall be permitted to intervene in a proceeding upon a showing that: ... (2) The person 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.

Further, RC § 4903.221(B) and OAC 4901-1-11(B) provide that the Commission, in ruling upon applications to intervene in its proceedings, shall consider the following criteria:

(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 the intervention by the prospective intervenor will unduly prolong or delay the proceedings; (4) Whether the prospective intervenor will significantly contribute to full development and equitable resolution of the factual issues.

OAC 4901-1-11(B) also provides that an additional factor in considering a request to intervene will be the extent to which the person's interest is represented by existing parties.

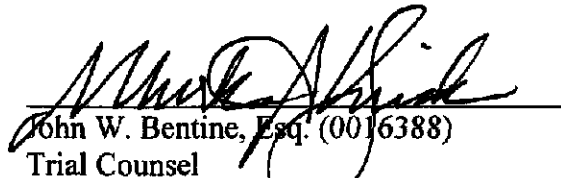
Nucor Marion is a large industrial consumer of electricity delivered to it by the Ohio Edison Company ("Ohio Edison"). In the above-captioned proceeding, Ohio Edison, the Cleveland Electric Illuminating Company, and the Toledo Edison Company (collectively "First Energy") are proposing to implement recovery mechanisms to recover certain deferred fuel costs. First Energy's proposed deferred fuel cost recovery rider will directly affect the rates paid by Nucor Marion. Accordingly, Nucor Marion has direct, real, and substantial interests in this proceeding. The disposition of this proceeding without Nucor Marion's full participation will prejudice and impede Nucor Marion's ability to protect its substantial business interests in this proceeding.

Further, others participating in this proceeding do not represent Nucor Marion's interests. Inasmuch as others participating in these proceedings cannot adequately protect Nucor Marion's interests, it would be inappropriate to determine this proceeding without Nucor Marion's participation. Nucor Marion submits that its unique perspectives will contribute to the full, equitable, and expeditious resolution of these proceedings. Lastly, Nucor Marion's timely intervention will not unduly delay the proceedings, or unjustly prejudice the interests of any existing party to this proceeding.

### III. CONCLUSION

For the reasons set forth above, Nucor Marion respectfully requests the Commission to grant Nucor Marion's request to intervene in the above-captioned docket.

Respectfully submitted,



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Pending admission *pro hac vice*

**Attorneys for Nucor Steel Marion, Inc.**

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing pleading was served upon the following parties of record or as a courtesy, via U.S. Mail postage prepaid, express mail, hand delivery, or electronic transmission, on March 13, 2008.

  
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