

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)
Authority to Establish a Standard Services Offer) Case No. 08-935-EL-SSO
Pursuant to R.C. §4928.143 in the Form of an)
Electric Security Plan)

In the Matter of the Application of Ohio Edison)
Company, the Cleveland Electric Illuminating)
Company and the Toledo Edison Company for)
Approval of a Market Rate Offer to Conduct a)
Competitive Bidding Process for Standard Service) Case No. 08-936-EL-SSO
Offer Electric General Supply, Accounting)
Modifications Associated with Reconciliation)
Mechanism, and Tariffs for Generation Service)

MOTION TO INTERVENE
ON BEHALF OF THE CITY OF AKRON

The City of Akron ("Akron"), respectfully moves the Public Utilities Commission, pursuant to Section 4903.221 of the Ohio Revised Code ("R.C.") and Section 4901-1-11 of the Ohio Administrative Code ("OAC"), to grant intervention in these proceedings for the reasons set forth in the following Memorandum in Support.

Respectfully submitted,

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MEMORANDUM IN SUPPORT

On July 31, 2008 the Ohio Edison Company, the Cleveland Electric Illuminating Company and the Toledo Edison Company (collectively, "FirstEnergy") filed its Applications to establish an Electric Security Plan and a Market Rate Offer. The outcome of these Applications will have a real and substantial impact on Akron and its citizens and no other party is uniquely positioned to represent the interest of Akron or its citizens in this proceeding.

For purposes of considering request for leave to intervene, 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, R.C. §4903.221(B) provides 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 the following factors in considering requests to intervene:

(1) The nature of the person's interest; (2) The extent to which the person's interest is represented by existing parties; (3) The person's potential contribution to a just and expeditious resolution of the issues involved in the proceeding; and (4) Whether granting the requested intervention would unduly delay the proceeding or unjustly prejudice any existing party.

The nature and extent of Akron's interest lies in the fact that it operates an aggregation program serving approximately 50,000 residential households and additional small commercial

accounts. Akron seeks to intervene and participate in this matter to represent the perspective of a municipal customer and a government aggregator, as well as the perspective of Akron's citizens relative to all issues that may arise. To the extent that it is appropriate and efficient, Akron intends to coordinate its participation with that of other interested groups.

Acron intends to participate fully in these proceedings with a focus on the impact to government aggregators and protecting the interests of its residential and commercial customers and accounts. Akron anticipates it will retain one or more expert witnesses to further relevant legal positions on behalf of aggregations, residential users and commercial customers.

Acron's participation and the contributions of any experts would contribute to a proper and just resolution of these issues involved without imposing any unnecessary delay or prejudice against another party. For these reasons, Akron requests that its Motion to Intervene be granted.

Respectfully submitted,

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