

**FILE**

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**


**FAX**

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 Service Offer Pursuant to R.C. §4928.143 in the Form of an Electric Security Plan	)	
	)	
	)	
	)	Case No. 08-935-EL-SSO
	)	
	)	
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 Offer Electric Generation Supply, Accounting Modifications Associated With Reconciliation Mechanism, and Tariffs For Generation Service	)	
	)	
	)	
	)	Case No. 08-936-EL-SSO
	)	
	)	

**MOTION TO INTERVENE BY  
FPL ENERGY POWER MARKETING, INC.  
AND GEXA ENERGY HOLDINGS, LLC**

Affiliates FPL Energy Power Marketing, Inc. ("PMI") and GEXA Energy Holdings, LLC on behalf of itself and a subsidiary to be formed to provide retail electric service in Ohio ("GEXA", and collectively "PMI/GEXA") respectfully move the Public Utilities Commission of Ohio, pursuant to Section 4903.221 of the Ohio Revised Code and Section 4901-1-11 of the Ohio Administrative Code, to grant intervention in these proceedings for the reasons set forth in the following Memorandum in Support.

Respectfully Submitted,

  
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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	)	
Authority to Establish a Standard Service 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	)	Case No. 08-936-EL-SSO
For Standard Service Offer Electric Generation	)	
Supply, Accounting Modifications Associated	)	
With Reconciliation Mechanism, and Tariffs	)	
For Generation Service	)	

**PMI/GEXA 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. Approval of the Applications would establish the retail rates charged by FirstEnergy to its retail customers against which rates any competitive wholesale or retail supplier must compete. The outcome of these Applications will have a real and substantial impact on PMI/GEXA and no other party is uniquely positioned to represent PMI/GEXA's interests in this proceeding.


PMI, a subsidiary of FPL Energy, LLC, buys and sells wholesale energy commodities and renewable energy credits. Its primary role is to manage the commodity risk of FPL Energy, LLC's portfolio of generation and to sell the output from FPL Energy LLC's plants that have not been sold under long-term contracts. FPL Energy LLC produces the majority of its electricity from clean and renewable fuels and is the competitive energy subsidiary of FPL Group, Inc. PMI procures fuel for FPL Energy's use in power generation, as well as substantially all of the wholesale electricity supply needed by GEXA Energy Holdings, LLC's retail operations conducted primarily in the State of Texas. PMI provides full energy and capacity requirements services primarily to distribution utilities in certain markets, including contracts where physical delivery is required, and engages in energy trading activities to take advantage of expected future favorable price movements. Full energy and capacity requirements services include load-following services, which require the supplier of energy to vary the quantity delivered based on the load demand needs of the customer, as well as various ancillary services. As of December 31, 2007, PMI provided full energy and capacity requirements services totaling approximately 3,500 MW of peak load in the NEPOOL, PJM and ERCOT markets. PMI also uses financial instruments such as swaps, options and forwards to manage the risk associated with fluctuating commodity prices and to optimize the power generation assets.

GEXA Energy Holdings, LLC's subsidiary, Gexa Corp., is a retail electric provider in the State of Texas, which as of December 31, 2007 served approximately 1,000 of peak load to approximately 158,600 retail customers. GEXA Energy Holdings, LLC is considering establishing a subsidiary that would apply for certification as a Competitive Retail Energy Supplier (CRES) providing competitive retail supply in the State of Ohio, and specifically to retail customers within FirstEnergy's service area.

PMI/GEXA intends to participate in these proceedings with a focus on the impact to competitive retail suppliers to electric customers in governmental aggregation programs and protecting its interest as a potential competitive retail supplier to customers in FirstEnergy's service territory. PMI/GEXA may retain one or more expert witnesses to further relevant legal positions to ensure a fair opportunity on behalf of competitive wholesale and retail suppliers to provide electric service in the State of Ohio.

PMI/GEXA's participation and the contributions of its expert(s) 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, PMI/GEXA requests that its Motion to intervene be granted.

Respectfully submitted,

  
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**CERTIFICATE OF SERVICE**

A copy of the foregoing Motion to Intervene with Memorandum in Support was placed in the U.S. Mail this 3<sup>rd</sup> day of September, 2008, addressed to the parties listed below.



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