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**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

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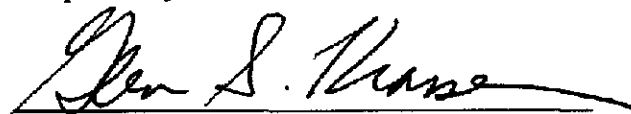
In the Matter of the Application of Ohio Edison)
Company, The Cleveland Electric Illuminating)
Company and The Toledo Edison Company for)
Authority To Establish A Standard Service Offer)
Pursuant to R.C. §4928.143 In the Form Of An)
Electric Security Plan)

Case No. 08-0935-EL-SSO

**OHIO SCHOOLS COUNCIL
MOTION FOR LEAVE TO INTERVENE**

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


Respectfully submitted,



Glenn S. Krassen
BRICKER & ECKLER LLP
1375 East Ninth Street
Suite 1500
Cleveland, Ohio 44114
(216) 523-5405 Phone
(216) 523-7071 Fax

E. Brett Breitschwerdt
BRICKER & ECKLER LLP
100 South Third Street
Columbus, Ohio 43215
(614) 227-2301 Phone
(614) 227-2301 Fax

Attorney for the Ohio Schools Council

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Electric Security Plan)	

**MEMORANDUM IN SUPPORT OF
OHIO SCHOOLS COUNCIL'S
MOTION FOR LEAVE TO INTERVENE**

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 First Energy Operating Companies' Ohio service territories. This program includes all but four

Ohio public school districts served by the First Energy Operating Companies, and is in effect until December 31, 2008.

The Schools have a substantial interest in this 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.

The Schools recognized that Amended Substitute Senate Bill 221 would have a direct and substantial impact on the retail price paid for electric service by the Schools members, and actively participated in its development before the General Assembly. As provided for in S.B. 221, First Energy has proposed an Electric Security Plan ("ESP") in this case, and the Schools again seek to participate to ensure that their interests are fully represented. The Commission's decision in this case setting the retail rates to be paid by the Schools will have a direct and substantial impact on these customers and their ability to provide quality education to children in Ohio, necessitating the Schools' intervention.

In addition, the Schools have a direct and substantial interest in the resolution of Case No. 07-551-EL-AIR, et al. The Schools filed for intervention in Case No. 07-551 on August 22, 2007, based on the proposed elimination by CEI and TE of the two existing school tariffs as well as the Companies' proposed \$340 million distribution rate increase. The Schools intervention was granted on December 21, 2007. The Schools actively participated throughout that case, and awaited the Commission's decision regarding whether these schedules would be eliminated and what additional rate increases the Schools would be subjected to. The Commission has not yet

rendered a decision in Case No. 07-551, and First Energy has proposed that its resolution be incorporated into this case. In addition to the other issues before the Commission in First Energy's proposed ESP case, the resolution of Case No. 07-551 alone will have a direct and substantial impact on the tariffs available to the Schools and the distribution rates they will be required to pay. The Schools are under extraordinary and well-publicized funding pressures in the State. New electric rate increases, for both distribution and generation, will have a severe adverse affect on the 249 Ohio public school districts that participate 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:

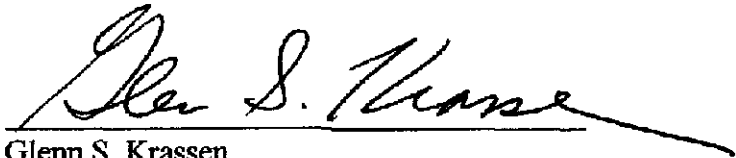
Criterion of Section 4903.221(B) (2) does not appear in Rule 4901-1-11(B). The Rule instead includes a criterion regarding the extent to which the movant's interest is represented by existing parties.

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. 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 customers of the Operating Companies with similar load and usage characteristics. The Schools will contribute to the just and expeditious resolution of these issues. As noted above, the Ohio Schools Council was granted intervention in CEI's last electric rate case, Case No. 07-551-EL-AIR, et al., and participated actively and meaningfully. 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,



Glenn S. Krassen
BRICKER & ECKLER LLP
1375 East Ninth Street
Suite 1500
Cleveland, Ohio 44114
(216) 523-5405 Phone
(216) 523-7071 Fax

E. Brett Breitschwerdt
BRICKER & ECKLER LLP
100 South Third Street
Columbus, Ohio 43215
(614) 227-2301 Phone
(614) 227-2301 Fax

Attorney for the Ohio Schools Council

CERTIFICATE OF SERVICE

I hereby certify that this pleading is being served by fax, first class mail or personal delivery, as shown below, this 4th day of September 2008.



E. Brett Breitschwerdt

James Burk
Mark Hayden
FirstEnergy
76 South Main Street
Akron, OH 43308-1890
burkj@firstenergycorp.com
haydenm@firstenergycorp.com

Colleen L. Mooney
David Rinebolt
Ohio Partners for Affordable Energy
231 W. Lima Street
Findlay, OH 45389-1793
Cmooney2@columbus.rr.com
drinebolt@aol.com

Mark A. Whitt
Andrew J. Campbell
Jones Day
325 John H. McConnell Blvd., Suite 600
Columbus, OH 43215-2673
mawhitt@jonesday.com
ajcampbell@jonesday.com

Jeffrey L. Small
Jacqueline Roberts
Richard C. Reese
Gregory J. Poulos
Ohio Consumers' Counsel
10 West Broad Street, Suite 1800
Columbus, OH 43215-3485
small@occ.state.oh.us
reese@occ.state.oh.us
poulos@occ.state.oh.us
roberts@occ.state.oh.us

Samuel C. Randazzo
Lisa G. McAlister
Daniel J. Neilsen
Joseph Clark
McNees, Wallace & Nurick
21 East State Street, 17th Floor
Columbus, OH 43215
sam@mwncmh.com
lmcalister@mwncmh.com
dneilsen@mwncmh.com
jclark@mwncmh.com

David F. Boehm
Michael L. Kurtz
Boehm, Kurtz & Lowry
36 East Seventh Street, Suite 1510
Cincinnati, OH 45202
dboehm@bklawfirm.com
mkurtz@bklawfirm.com

Langdon D. Bell
Bell & Royer Co., LPA
33 South Grant Avenue
Columbus, OH 43215-3927
lbell@aol.com

Barth Royer
Bell & Royer
33 South Grant Avenue
Columbus, OH 43215-3927
barthroyer@aol.com

Gary A. Jeffries
Senior Counsel
Dominion Resources Services, Inc.
501 Martindale Street, Suite 400
Pittsburgh, PA 15212-5817
gary.a.jeffries@dom.com

David L. Fein
Cynthia A. Fonner
Constellation Energy Group, Inc.
550 West Washington Blvd., Suite 300
Chicago, IL 60661
David.fein@constellation.com
cynthia.a.fonner@constellation.com

John W. Bentine
Mark S. Yurick
Chester, Wilcox & Saxbe
65 E. State Street, Suite 1000
Columbus, OH 43215
myurick@cwslaw.com
jbentine@swslaw.com

M. Howard Petricoff
Stephen M. Howard
Vorys, Sater, Seymour and Pease LLP
52 East Gay Street
PO Box 1008
Columbus, OH 43216-1008
mhpetricoff@vssp.com
smhoward@vssp.com

Henry Eckart
50 West Broad Street, Suite 2117
Columbus, OH 43215-3301
henryeckhart@aol.com

Craig G. Goodman
President
National Energy Marketers Association
3333 K Street, N.W., Suite 110
Washington, D.C. 20007
cgoodman@energymarketers.com

Richard L. Sites
Ohio Hospital Association
155 East Broad Street, 15th Floor
Columbus, OH 43215-3620
ricks@ohanet.org

Nolan Moser
Trent A. Dougherty
Air & Energy Program Manager
The Ohio Environmental Council
1207 Grandview Avenue, Suite 201
Columbus, OH 43212-3449
nolan@theoec.org
trent@theoec.org

Garrett A. Stone
Michael K. Lavanga
Brickfield, Burchette, Ritts & Stone, P.C.
1025 Thomas Jefferson Street, N.W.
8th Floor West Tower
Washington, D.C. 20007
gas@bbrslaw.com
mkl@bbrslaw.com

Leslie A. Kovacik
Senior Attorney, City of Toledo
420 Madison Ave., Suite 100
Toledo, Ohio 43604-1219
lesHe.kovacik@toledo.oh.gov

Sheilah M. McAdams
Marsh & McAdams
204 West Wayne Street
Maumee, Ohio 43537
sheilahmca@aol.com

Paul S. Goldberg, Law Director
Phillip D. Wurster, Asst. Law Dir.
5330 Seaman Road
Oregon, Ohio 43616
pgoldberg@ci.oregon.oh.us

Paul Skaff, Assistant Village Solicitor
Leatherman, Witzler
353 Elm Street
Perrysburg, Ohio 43551
paulskaff@justice.com

Lance M. Keiffer
Assistant Prosecuting Attorney
711 Adams Street, 2nd Floor
Toledo, Ohio 43624-1680
lkeiffer@co.lucas.oh.us

Brian J. Ballenger
Ballenger & Moore
3401 Woodville Rd., Suite C
Toledo, Ohio 43619
ballengerlawbjb@sbcglobal.net

James E. Moan, Law Director
4930 Holland-Sylvania Road
Sylvania, Ohio 43560
jimmohan@hotmail.com

Thomas R. Hays,
3315 Centennial Road, Suite A-2
Sylvania, Ohio 43560
hayslaw@buckeye-express.com

Joseph P. Meissner
The Legal Aid Society of Cleveland
1223 West 6th Street
Cleveland, OH 44113
jpmeyssn@lasclcv.org

Sean W. Vollman
David A. Muntean
Assistant Law Directors
161 S. High Street, Suite 202
Akron, OH 44308
vollmse@ci.akron.oh.us
menteda@ci.akron.oh.us

Langdon D. Bell (Counsel of Record)
Bell & Royer Co., LPA
33 South Grant Avenue
Columbus OH 43215-3927
LBELL33@aol.com

F. Mitchell Dutton
FPL Energy Power Marketing, Inc.
700 Universe Boulevard
Juno Beach, FL 33408
Mitch.dutton@fpl.com

Gregory H. Dunn
Schottenstein Zox & Dunn Co., LPA
250 West Street
Columbus, Ohio 43215
gdunn@szd.com

Larry Gearhardt
Chief Legal Counsel
Ohio Farm Bureau Federation
280 North High Street, P.O. Box 182383
Columbus, OH 43218-2383
LGearhardt@ofbf.org

Theodore S. Robinson
Citizen Power
2121 Murray Avenue
Pittsburgh, PA 15217
Telephone: (412) 421-7029
robinson@citizenpower.com

Damon E. Xenopoulos, Esq.
Brickfield, Burchette, Ritts & Stone, PC.
1025 Thomas Jefferson Street, N.W.
Eighth Floor, West Tower
Washington, DC 20007
dex@bbrslaw.com