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**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In The Matter Of The Application Of The)
Cleveland Board Of Education For The)
Cleveland Municipal School District To)
Establish A Reasonable Arrangement With)
The Cleveland Electric Illuminating)
Company For Electrical Service)
)

Case Nos. 08-1238-EL-AEC

**MOTION FOR LEAVE TO INTERVENE OF
CLEVELAND ELECTRIC ILLUMINATING COMPANY**

The Cleveland Electric Illuminating Company ("CEI"), hereby moves for intervention in the above styled proceeding as a full party of record pursuant to Section 4903.221 of the Ohio Revised Code and Rule 4901-1-11 of the Ohio Administrative Code. CEI respectfully submits that it is entitled to intervene in this proceeding so as to assist the Commission in reaching a just and reasonable determination of the issues presented. Section 4903.221 of the Ohio Revised Code and Rule 4901-1-11 of the Ohio Administrative Code establish the standard for intervention in the above-styled proceeding, and CEI's motion satisfies that standard.

Rule 4901-1-11 of the Ohio Administrative Code states in part:

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.

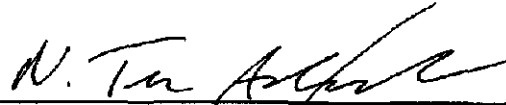
In addition to establishment of a substantial interest, the factors that the Commission considers in implementing the above rule are the nature of the intervenor's interest, the extent that interest is represented by existing parties, the intervenor's potential contribution to a just and expeditious resolution of the issues involved, and whether intervention would result in an undue delay of the proceeding. *See* O.A.C. 4901-1-11(B); *see also* O.R.C. 4903.221(B). A review of these factors in light of following facts supports granting CEI's intervention.

CEI provides electricity and energy-related services to retail customers in Ohio and specifically to the applicant, the Cleveland Municipal School District ("CMSD"). CEI is a public utility, as defined in O.R.C. § 4905.02. In the instant matter, CMSD filed an application (the "Application") to establish a "Reasonable Arrangement" pursuant to O.R.C. § 4905.31. CEI will be directly impacted if the Commission grants the requested relief. CMSD seeks a special contract which could contain rates at least 49% below that contained in the applicable tariff, and this would have a significant impact on CEI's revenues if the Commission does not authorize full recovery of the delta revenue lost. *See* Application at ¶ 5. Moreover, CEI's interests will not be protected by any other party, because CEI is the primary provider of electricity to CMSD and is the other party to the contract upon which the Application is based.

This motion for intervention precedes all discovery or other procedural termination dates. Thus, the intervention is timely and should not unduly delay the instant proceedings. Finally, because of its unique expertise and relationship to the contract at issue, CEI will be able to assist in the development of a full and complete record to assist the Commission in its consideration of the Application.

WHEREFORE, CEI respectfully requests that the Commission grant this motion for leave to intervene and that CEI be made a full party of record.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing **Motion for Leave to Intervene** was served by regular U.S. Mail, postage prepaid, upon the following parties of record, this 9th day of December, 2008.

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