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BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

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In the Matter of the Application of the Ohio)	
Edison Company, The Cleveland Electric)	
Illuminating Company, and The Toledo)	Case Nos. 09-21-EL-ATA
Edison Company, for Approval of Rider)	09-22-EL-AEM
FUEL and Related Accounting Authority)	09-23-EL-AAM
)	

**MOTION FOR LEAVE TO INTERVENE OF
INTEGRYS ENERGY SERVICES, INC.**

Now comes Integrys Energy Services, Inc. ("Integrys"), who, pursuant to Section 4903.221, Revised Code and Rule 4901-1-11 of the Ohio Administrative Code, moves for intervention in the above-styled proceeding as a full party of record. The reasons supporting the intervention are contained in the accompanying Memorandum in Support.

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


Respectfully Submitted,



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**MEMORANDUM IN SUPPORT OF
THE MOTION TO INTERVENE OF
INTEGRYS ENERGY SERVICES, INC.**

Integrys Energy Services, Inc. ("Integrys") is a Competitive Retail Electric Service ("CRES") provider currently making retail electric sales in Ohio. Integrys is and has been an active participant in the FirstEnergy Electric Security Plan proceeding Case No. 08-935-EL-SSO including sponsoring direct testimony and filing initial and reply briefs. Integrys also participated in the negotiations of a Stipulation¹ filed in the Electric Security Plan and the above styled docket yesterday (February 19, 2009). The Attorney Examiner by an Entry issued yesterday afternoon in response to the Stipulation indicated that the Electric Security proceeding (Case No. 08-935-EL-SSO) and the FUEL proceeding (Case No. 09-21-EL-ATA) will be heard "simultaneously" because of the carry over of issues between the two proceedings. In light of the carry over of issues, and for the reasons that follow Integrys requests that it be made a full party of record in the FUEL proceeding.

Section 4903.221, Revised Code and Rule 4901-1-11 of the Ohio Administrative Code, establish the standard for intervention in the above-styled proceeding as a full party of record.

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 direct interest, the factors that the Public Utilities Commission of Ohio (the "Commission") considers in implementing the above rule are the

¹ Integrys Energy Services did not support the Stipulation but signed indicating that it would not oppose its adoption.

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 also R.C. 4903.221(B) upon which the above rule is authorized). A review of these factors in light of following facts supports granting Integrys' intervention.

Integrys has been certificated by the Commission to provide CRES service in Ohio, and is also an experienced retail electric provider in several other states. Integrys' experience and knowledge will assist the Commission in considering the issues in these cases and therefore, Integrys' participation will contribute to the full development and equitable resolution of the issues. No other party can adequately represent Integrys' interests. Integrys' participation will not unduly delay or unjustly prejudice any existing party. The intervention is being offered in advance of any intervention deadline and thus is timely.

In the instant matter, Ohio Edison Company (OE), The Toledo Edison Company (TE), and the Cleveland Electric Illuminating Company (CEI) (collectively "FirstEnergy") filed an application (the "Application") seeking emergency rate relief pursuant to Section 4909.16, Revised Code, and requesting approval of a fuel rider (Rider FUEL), along with appropriate accounting authority to effect deferrals, including carrying charges, associated with a reconciliation mechanism.

Integrys has business interests in the State that will be affected by the outcome of the proceeding. Integrys has an interest in the instant proceeding as the Commission assesses whether the Application is consistent with Ohio law and the State Energy Policy set forth in Senate Bill 221, which became law effective July 31, 2008, and makes other decisions that will affect the viability of the competitive electric market in Ohio.

This motion for intervention precedes all discovery or other procedural termination dates. The motion is also being filed five days before the hearing deadline established in Rule 4901-1-29. Thus, the intervention is timely and should not unduly delay the instant proceedings. Finally, because of its unique expertise and participation in the competitive retail and wholesale markets in Ohio and across the country, Integrys will be able to assist in the development of a full and complete record to assist the Commission in its consideration of the Application.

For the above-discussed reasons, Integrys has a direct, real, and substantial interest in the issues in these matters, which can only be protected by its participation.

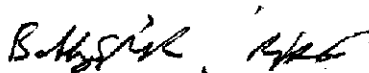
WHEREFORE, Integrys respectfully requests that the Commission grant this motion for leave to intervene and Integrys be made a full party of record.

Respectfully Submitted,



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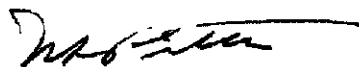


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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of the foregoing documents was served this 20th day of February, 2009 by regular U.S. mail, postage prepaid, or by electronic mail, upon the persons listed below.



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