

FILE

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October 2, 2009

Public Utilities Commission of Ohio
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Columbus, Ohio 43215

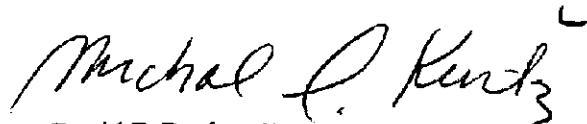
In re: Case Nos. 09-786-EL-UNC

Dear Sir/Madam:

Please find enclosed an original and twenty (20) copies of the MOTION TO INTERVENE AND MEMORANDUM IN SUPPORT OF THE OHIO ENERGY GROUP fax-filed today in the above-referenced matter.

Please place this document of file.

Respectfully yours,



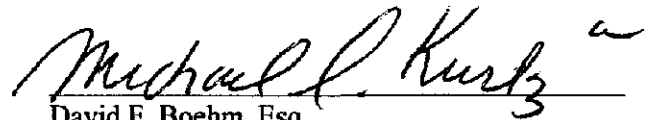
David F. Boehm, Esq.
Michael L. Kurtz, Esq.
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MLKkew
Encl.
Cc: Certificate of Service

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CERTIFICATE OF SERVICE

I hereby certify that true copy of the foregoing was served by ordinary mail, unless otherwise noted, this 2nd day of October, 2009 to the individual listed on the Certificate of Service.

A handwritten signature in cursive script, reading "Michael L. Kurtz", is written over a horizontal line. A small flourish is present at the end of the signature.

David F. Boehm, Esq.

Michael L. Kurtz, Esq.

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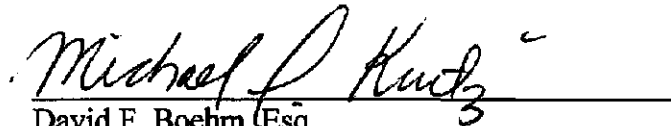
BEFORE THE
PUBLIC UTILITY COMMISSION OF OHIO

In The Matter Of The Investigation Into The Development : Case No. 09-786-EL-UNC
Of The Significantly Excessive Earnings Test Pursuant To :
S.B. 221 For Electric Utilities :

THE OHIO ENERGY GROUP'S
MOTION FOR LEAVE TO INTERVENE

Pursuant to the Ohio Rev. Code §4903.22.1 and Ohio Admin. Code §4901-1-11, the Ohio Energy Group. ("OEG") moves for leave to intervene in this proceeding. The Public Utility Commission of Ohio ("Commission") should grant OEG leave to intervene because OEG has a real and substantial interest in the proceeding, and the Commission's disposition of this proceeding may impair or impede OEG's ability to protect that interest.

Respectfully submitted,



David F. Boehm, Esq.

Michael L. Kurtz, Esq.

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October 2, 2009

COUNSEL FOR OHIO ENERGY GROUP

**BEFORE THE
PUBLIC UTILITY COMMISSION OF OHIO**

In The Matter Of The Investigation Into The Development	:	Case No. 09-786-EL-UNC
Of The Significantly Excessive Earnings Test Pursuant To	:	
S.B. 221 For Electric Utilities	:	

**MEMORANDUM IN SUPPORT OF
THE OHIO ENERGY GROUP'S MOTION TO INTERVENE**

Pursuant to Ohio Rev. Code §4903.22.1 and Ohio Admin. Code §4901-01-11, the Public Utility Commission of Ohio should grant OEG leave to intervene in this proceeding.

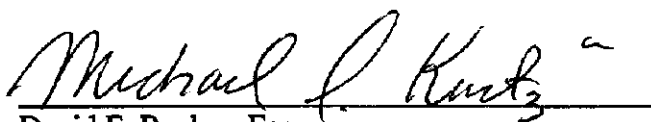
OEG is a non-profit entity organized to represent the interests of large industrial and commercial customers in electric and gas regulatory proceedings before the Public Utility Commission of Ohio ("Commission"). OEG's members who are participating in this intervention are: Air Products & Chemicals, Inc., AK Steel Corporation, Aleris International, Inc., Alcoa Inc., Amsted Rail Company, Inc., ArcelorMittal USA, BP-Husky Refining, LLC, Brush Wellman, Inc., Charter Steel, Chrysler LLC, E.I. DuPont de Nemours & Company, Ford Motor Company, GE Aviation, Griffin Wheel, Johns Manville, Linde, Inc., North Star BlueScope Steel, LLC, PPG Industries, Republic Engineered Products, Inc., Sunoco, Inc. (R&M), The Procter & Gamble Co., Severstal Wheeling, and Worthington Industries, Inc. These companies purchase electric power services from all of the utilities in Ohio. Therefore, the interests of OEG's members may be directly affected by the outcome of this proceeding. The interests

of OEG cannot be adequately represented by any other party. OEG intends to play a constructive role in this case and provide information which will assist the Commission.

No other party to this proceeding can adequately represent OEG's interest. Intervention would not unduly delay the proceeding nor unjustly prejudice any existing party.

Accordingly, OEG has a real and substantial interest and is entitled to intervene in this action under Ohio Rev. Code §4903.22.1 and Ohio Admin. Code §4901-1-11.

Respectfully submitted,

A handwritten signature in cursive script, reading "Michael L. Kurtz", with a small superscript "c" at the end. The signature is written in black ink and is positioned above a horizontal line.

David F. Boehm, Esq.

Michael L. Kurtz, Esq.

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COUNSEL FOR THE OHIO ENERGY GROUP

October 2, 2009