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**BEFORE
THE PUBLIC UTILITY COMMISSION OF OHIO**

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PUCO

In The Matter of The Investigation Into The
Development of The Significantly Excessive
Earnings Test Pursuant To S.B. 221 For Electric
Utilities.

Case No. 09-786-EL-UNC

**THE OHIO MANUFACTURERS' ASSOCIATION'S
MOTION FOR LEAVE TO INTERVENE**

Pursuant to the Ohio Revised Code ("R.C.") Section 4903.221 and Ohio Administrative Code ("OAC") Rule 4901-1-11, the Ohio Manufacturers' Association ("OMA") moves for leave to intervene in this proceeding. The Public Utility Commission of Ohio ("PUCO") should grant the OMA leave to intervene because the OMA has a real and substantial interest in the proceeding, and the PUCO's disposition of this proceeding may impair or impede the OMA's ability to protect that interest.

MEMORANDUM IN SUPPORT

Pursuant to the R.C. Section 4903.221 and OAC Rule 4901-1-11, the PUCO should grant the OMA leave to intervene in this proceeding.

The OMA is the only statewide non-profit trade association representing exclusively the interests of manufacturers of all sizes in Ohio. The OMA represents over 1,500 manufacturing companies of all sizes, and in every county of the state, on issues important to their continued

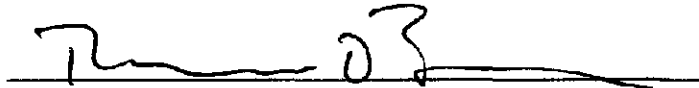
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competitiveness and viability. The OMA's members purchase electric power services from all of Ohio's electric utilities; therefore, the interest of the OMA's members may be directly affected by the outcome of this proceeding.

Consistent with the requirements of R.C. Section 4903.221, and OAC Rule 4901-1-11(B), OMA is a real party in interest herein, whose interest is not now represented, who can make a contribution to the proceeding and will not unduly delay the proceeding or prejudice any existing party. OMA submits that its interest is not represented by existing parties; that it will contribute to the just and expeditious resolution of the issues and concerns set forth in this proceeding; and that its participation in this proceeding will not cause undue delay or unjustly prejudice any existing party. OMA's participation will enhance the effectiveness of the above proceeding, and will help ensure that the proceeding in this matter is fair to its membership.

WHEREFORE, the Ohio Manufacturers' Association respectfully requests that its motion to intervene be granted.


Respectfully submitted on behalf of
THE OHIO MANUFACTURERS' ASSOCIATION



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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Motion to Intervene was served upon the parties of record listed below this 5th day of October 2009 *via* first class mail.


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