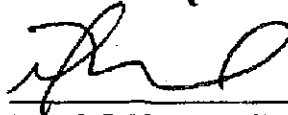


The reasons for granting this Motion are contained in the Memorandum in Support attached hereto and hereby incorporated herein.

Respectfully submitted,



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Counsel for:

Neighborhood Environmental Coalition,

The Empowerment Center of Greater
Cleveland,

United Clevelanders Against Poverty,

Cleveland Housing Network and

Consumers for Fair Utility Rates

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Energy Efficiency and
Peak Demand Reduction Program Portfolio
of Ohio Edison Company, The Cleveland
Electric Illuminating Company, and
The Toledo Edison Company.

Case No. 09-580-EL-EEC
Case No. 09-581-EL-EEC
Case No. 09-582-EL-EEC

MEMORANDUM IN SUPPORT OF MOTION TO INTERVENE

I. Introduction

The above-referenced applications concern the residential and small business compact fluorescent light bulb ("CFL") program requested by Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company ("Companies"). The applications were approved by the Commission's September 23, 2009 Finding and Order. However, after concerns were expressed regarding the CFL program by the Governor, members of the General Assembly and Ohio consumers and additional costs of the program that were not approved by the Commission came to light, the Commission granted an application for rehearing by the Ohio Consumers' Counsel and set oral arguments for October 28, 2009.

The Citizens Coalition is composed of citizens groups representing low and moderate income families. These are customers of the Companies who are often most impacted by changes, no matter how small, to the costs for their utility service.

The Neighborhood Environmental Coalition's distinguished history of serving low-income families warrants its involvement in this case. Coalition has been in existence for over twenty-five years, working especially in neighborhoods surrounding the industrial valley of Cuyahoga County. It is dedicated "to protecting the created environment" and is committed to helping low income families meet their energy and heating needs in ways that will not harm the environment.

The Empowerment Center—formerly the Greater Cleveland Rights Organization—has participated in numerous PUCO proceedings over the past several decades on behalf of low-income customers. The Center is especially concerned with assisting low-income families in optimal decisions regarding utility service. Living on very limited budgets, poor families face great struggles to adjust even small increases in the cost of their monthly utilities.

United Clevelanders Against Poverty, is a group representing customers of the electric companies and representatives of customers who are concerned about the ever increasing costs of basic necessities including utility and electric rates. They seek opportunities to advocate for decreases in rates and other costs associated with the utilities.

Cleveland Housing Network provides weatherization and conservation programs for low-income clients. It has administered funds both now and in the past from utility companies and other sources to carry out such programs.

Consumers for Fair Utility Rates has also been involved in PUCO proceedings for the last several years. Members of Consumers have also been involved in PUCO proceedings dating back to the interventions by Low Income People Together (LIPT) in PUCO proceedings. Consumers has contributed to the successful outcomes in PUCO matters and would insure that the perspectives and views of low-income customers are adequately presented in the current litigation.

II. Law and Argument in Support of Intervention by the Citizens Coalition

The Citizens Coalition groups should be permitted to intervene in these matters pursuant to R.C. 4903.221 and Rule 4901-1-11 Ohio Administrative Code.

A. The Citizens Coalition Should Be Permitted to Intervene Pursuant to R.C. 4903.221 Because It Represents Low-Income Consumers Who Could Be Adversely Affected by This Case.

R.C. 4903.221 provides, in pertinent part, that any party "who may be adversely affected" by a PUCO proceeding is entitled to seek intervention in that proceeding. As mentioned previously, the groups of the Citizens Coalition represent low income residential utility customers who are impacted by any change in utility rates and costs. As this case involves potentially placing an additional cost burden on low income residents, it could "adversely affect" the costs paid by the low-income

customers represented by the Citizens Coalition. Thus the Citizens Coalition satisfies the standard of R.C. 4903.221 and should be entitled to intervene in this case.

B. The Citizens Coalition Also Qualifies for Intervention Under the Criteria Listed in R.C. 4903.221(B).

R.C. 4903.221(B) requires the PUCO to consider the following criteria in considering a parties motion to intervene:

- (1) The nature and extent of the prospective intervenor's interest;
- (2) The legal position advanced by the prospective intervenor and its probable relation to the merits of the case;
- (3) Whether the intervention by the prospective intervenor will unduly prolong or delay the proceeding; and
- (4) Whether the prospective intervenor will significantly contribute to the full development and equitable resolution of the factual issues.

The groups of the Citizens Coalition qualify for intervention under the R.C. 4903.221(B) criteria. The interest of the Citizens Coalition groups in this case is unique—they represent low-income consumers in the Cleveland area who are harshly affected by changes in utility rates and costs. It is important for the PUCO to consider the potential effect its decisions could have on these marginalized utility consumers.

Interventions by the Citizens Coalition will not unduly prolong or delay the proceeding. The Citizens Coalition has been a part of numerous cases before the PUCO in the past, and will assist in the efficient progress of this case.

Further, the Citizens Coalition's knowledge of the effects of changing energy costs on low-income families will assist the PUCO in fully developing and equitably resolving this case.

Wherefore, The Citizens Coalition respectfully request that based on this Motion to Intervene, the groups of the Citizens Coalition should be recognized as a parties in this case.

Respectfully submitted,



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Consumers for Fair Utility Rates, and

The Empowerment Center of

Greater Cleveland

NOTICE OF SERVICE

I hereby certify that a copy of the foregoing Motion and Memorandum were served upon the address of the parties in this PUCO proceeding listed below by ordinary first class mail, postage prepaid, on this 19th day of October 2009.

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