

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Ohio Edison)	
Company, The Cleveland Electric Illuminating)	Case No. 09-1004-EL-EEC
Company and The Toledo Edison Company)	Case No. 09-1005-EL-EEC
to Amend Their Energy Efficiency Benchmark.)	Case No. 09-1006-EL-EEC

**MOTION TO INTERVENE AND MEMORANDUM IN SUPPORT
OF INDUSTRIAL ENERGY USERS-OHIO**

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)	Case No. 09-1006-EL-EEC

MOTION TO INTERVENE OF INDUSTRIAL ENERGY USERS-OHIO

Industrial Energy Users-Ohio (“IEU-Ohio”) hereby respectfully moves the Public Utilities Commission of Ohio (“Commission”), pursuant to Section 4903.221, Revised Code, and Rule 4901-1-11, Ohio Administrative Code, for leave to intervene in the above-captioned matters with the full powers and rights granted by the Commission, specifically by statute or by the provisions of the Ohio Administrative Code, to intervening parties.

On October 27, 2009, Ohio Edison Company, The Cleveland Electric Illuminating Company and The Toledo Edison Company (collectively, “FirstEnergy”) filed an Application for an amendment to their respective energy efficiency benchmark compliance obligations for 2009 under Section 4928.66(A)(2)(b), Revised Code. IEU-Ohio previously expressed its support for amending FirstEnergy’s (and the other electric distribution utilities’) 2009 compliance obligations, citing timing and substantive problems associated with the rules to implement the energy efficiency/peak demand reduction benchmarks and alternative energy portfolio standards contained in Amended Substitute Senate Bill 221 (“SB 221”).¹

¹ See *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*, PUCO Case Nos. 09-580-EL-EEC, *et al.*, Prepared Statement (“Oral Argument”) of Sam Randazzo, General Counsel, Industrial Energy Users-Ohio at 2-3, 7 (October 28, 2009). See also *In the Matter of*

As demonstrated further in the Memorandum in Support attached hereto and incorporated herein, IEU-Ohio has a direct, real, and substantial interest in the issues and matters involved in the above-captioned proceedings, and is so situated that the disposition of these proceedings may, as a practical matter, impair or impede its ability to protect that interest. IEU-Ohio believes that its participation will not unduly prolong or delay these proceedings and that it will significantly contribute to the full development and equitable resolution of the factual and other issues in these proceedings. The interests of IEU-Ohio will not be adequately represented by other parties to the proceedings and, as such, IEU-Ohio is entitled to intervene with the full powers and rights granted by the Commission, specifically by statute and by the provisions of the Ohio Administrative Code, to intervening parties.

Respectfully submitted,

/s/ Joseph M. Clark

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the Adoption of Rules for Alternative and Renewable Energy Technologies and Resources, and Emission Control Reporting Requirements, and Amendment of Chapters 4901:5-1, 4901:5-5, and 4901:1-5-7 of the Ohio Administrative Code, pursuant to Chapter 4928, Revised Code, to Implement Senate Bill No. 221, PUCO Case No. 08-888-EL-ORD, Industrial Energy Users-Ohio's Application for Rehearing and Memorandum in Support at 31-32 (May 15, 2009).

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MEMORANDUM IN SUPPORT

In support of this Motion to Intervene, IEU-Ohio states that it is an association of ultimate customers. A current listing of IEU-Ohio member companies is available on IEU-Ohio's website at http://www.ieu-ohio.org/member_list.aspx. IEU-Ohio members purchase substantial amounts of electric and related services from FirstEnergy, which are public utilities subject to the jurisdiction of the Commission.

IEU-Ohio members work together to address matters that affect the availability and price of utility services. Additionally, IEU-Ohio seeks to promote customer-driven policies that will assure an adequate, reliable, and efficient supply of energy for all consumers at competitive prices. To this end IEU-Ohio has worked, including actively participating in the legislative process related to SB 221 and will continue to work, to produce legislative, regulatory, and market outcomes that are consistent with the state policy contained in Section 4928.02, Revised Code.

Many IEU-Ohio member companies are served by FirstEnergy and may be affected by FirstEnergy's request for an amendment to its 2009 energy efficiency benchmark compliance obligation. IEU-Ohio has a real and substantial interest in these proceedings, specifically in the provision of electric service to IEU-Ohio members' manufacturing facilities. Specifically, IEU-Ohio's direct interest in these proceedings is

the result of the effect that these proceedings shall have upon the price, adequacy, and reliability of the electric supply and related services within Ohio, including the areas presently served by FirstEnergy.

Respectfully submitted,

/s/ Joseph M. Clark

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing *Motion to Intervene and Memorandum in Support of Industrial Energy Users-Ohio* was served upon the following parties of record this 24th day of November 2009, via first class mail, postage prepaid.

/s/ Joseph M. Clark

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Summary: Motion Motion to Intervene and Memorandum in Support of Industrial Energy Users-Ohio electronically filed by Mr. Joe Clark on behalf of Clark, Joseph M. Mr. and Industrial Energy Users-Ohio