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PUCO

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February 15, 2010

Public Utilities Commission of Ohio  
PUCO Docketing  
180 East Broad Street, 11<sup>th</sup> Floor  
Columbus, Ohio 43215

Re: In the Matter of the Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company:

Case Nos. 09-1947-EL-POR  
09-1948-EL-POR  
09-1949-EL-POR

Case Nos. 09-1942-EL-EEC  
09-1943-EL-EEC  
09-1944-EL-EEC

Case Nos. 09-580-EL-EEC  
09-581-EL-EEC  
09-582-EL-EEC

Greetings:

Material Sciences Corporation files in these dockets its Intervention Motion and Supporting Memorandum, and its Objections. The originals and necessary copies for both filings are enclosed. Any questions please contact me.

Regards



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**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of the  
Ohio Edison Company, The Cleveland  
Electric Illuminating Company, and The  
Toledo Edison Company for Approval  
Of Their Energy Efficiency and Peak  
Demand Reduction Program Portfolio  
Plans for 2010 through 2012 and  
Associated Cost Recovery Mechanism.

Case Nos. 09-1947-EL-POR  
09-1948-EL-POR  
09-1949-EL-POR

In the Matter of the Application of the  
Ohio Edison Company, The Cleveland  
Electric Illuminating Company, and The  
Toledo Edison Company for Approval  
Of Their Initial Benchmark Reports.

Case Nos. 09-1942-EL-EEC  
09-1943-EL-EEC  
09-1944-EL-EEC

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 Nos. 09-580-EL-EEC  
09-581-EL-EEC  
09-582-EL-EEC

**MOTION FOR LEAVE TO INTERVENE AND MEMORANDUM IN SUPPORT  
BY  
MATERIAL SCIENCES CORPORATION**

Pursuant to ORC 4903.221, and Rule 4901-1-11 of the Ohio Administrative Code, Material Sciences Corporation ("MSC") moves the Public Utilities Commission of Ohio ("Commission") for leave to intervene in these proceedings as a full party of record. MSC's intervention should be granted because it has a real and substantial interest that is not represented by an existing party; its participation will not cause undue delay, will not unjustly prejudice any existing party, and will contribute to the just and expeditious resolution of issues in this proceeding. Incorporated by reference is the Memorandum In Support of this motion. Wherefore, MSC requests that the Commission, its legal director,

the deputy legal director, or the attorney examiner assigned to these matters, grant intervention to Material Sciences Corporation in this proceeding as a full party of record.

### **MEMORANDUM IN SUPPORT**

Pursuant to ORC 4903.221, and Rule 4901-1-11 of the Ohio Administrative Code, Material Science Corporation ("MSC") moves the Public Utilities Commission of Ohio ("Commission") for leave to intervene in these proceedings as a full party of record. The primary business of MSC's Walbridge Coatings in Walbridge, Ohio is electro galvanizing or zinc-nickel plating of steel coils, laminating of steel coils, and painting of steel coils. The MSC Walbridge facility incurs annually substantial electric costs for service from The Toledo Edison Company ("TE").

In these proceedings, the Companies<sup>1</sup> request Commission approval of their 2010-2012 portfolio plans for offering energy efficiency and peak demand reduction programs, to recover associated costs, and of their initial EE&PDR benchmark reports.

RC 4903.221 and OAC Rule 4901-1-11 set standards for intervention in Commission proceedings. MSC, a TE Standard Service Offer customer receiving interruptible service, purchases substantial energy usage, and incurs substantial electric costs. MSC has a real and substantial interest not represented by an existing party in these proceedings that request Commission approval of a Request for Proposal interruptible service process intended to replace the current riders for service after May 31, 2011. Intervention is necessary for MSC to protect those real and substantial interests by raising objections and participating in the hearings.

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<sup>1</sup> Companies refer to Ohio Edison Company, The Cleveland Electric Illuminating Company, and TE.

The Commission granted MSC intervention in the Companies MRO and ESP proceedings, Case No. 08-935-EL-SSO, and Case No. 08-936-EL-SSO; and their fuel rider proceeding, Case No. 09-21-EL-ATA. More recently, the Commission granted MSC's intervention in the Companies' MRO case, Case No. 09-906-EL-SSO. The MRO case raised initially the Companies plan to use the RFP process in lieu of the current riders for interruptible services.

MSC's participation in these proceedings will not cause undue delay, will not unjustly prejudice any existing party, and will contribute to the just and expeditious resolution of raised issues.

MSC, with a real and substantial interest in these proceedings, timely files for intervention by February 16, 2010, as provided for the Entry, dated January 14, 2010, and is otherwise entitled to intervention under ORC 4903.221, and OAC 4901-1-11.

Wherefore, Material Sciences Corporation requests that the Commission, its legal director, the deputy legal director, or the attorney examiner assigned to these matters, grant the motion to intervene in this proceeding as a full party of record.

Respectfully Submitted,

  
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### CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of the foregoing Motion to Intervene and Memorandum in Support was served this 16<sup>th</sup> day of February 2010 by electronic mail upon the persons listed below.

  
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