

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Ohio Edison	)	
Company, The Cleveland Electric Illuminating	)	
Company and The Toledo Edison Company for	)	
Approval of a Force Majeure Determination for a	)	
portion of The 2009 Solar Energy Resources	)	Case No. 09-1922-EL-EEC
Benchmark Requirement Pursuant to Section	)	
4928.64(C)(4) of the Ohio Revised Code.	)	

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**MOTION TO INTERVENE  
OF  
THE SOLAR ALLIANCE**

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The Solar Alliance (“SA”) moves the Public Utilities Commission of Ohio (“Commission”), pursuant to Ohio Revised Code Section (“R.C.”) 4903.221 and Ohio Administrative Code (“OAC”) Rule 4901-1-11, to intervene in the above-captioned proceeding. As set forth in the Memorandum in Support, SA submits that it has a real and substantial interest in this proceeding, that it is so situated that the disposition of this proceeding without the participation of SA may impair or impede their ability to protect that interest, and that their participation in this proceeding will contribute to a just result. SA further submits that no existing party represents its interest in this proceeding and that granting its motion to intervene will not unduly delay this proceeding or unjustly prejudice any existing party.

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## MEMORANDUM IN SUPPORT

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On December 7, 2009, Ohio Edison Company, The Cleveland Electric Illuminating Company and The Toledo Edison Company (collectively “FirstEnergy”) filed an Application for a force majeure determination related to their respective 2009 solar energy resource requirements under R.C. Section 4928.64. SA is a state-based advocacy group of companies involved in the design, manufacture, construction and financing of PV systems. The members of SA are suppliers of alternative energy sources, potentially to Ohio electric utilities, and as such they have a real and substantial interest in these applications especially as they pertain to the Applicant’s proposals to secure alternative energy resources as well as an interest in other issues in this proceeding.

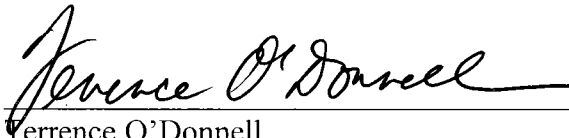
In particular, SA believes that the Commission should take into consideration additional information concerning FirstEnergy’s assertions that it has made aggressive efforts to comply with the minimum benchmarks for 2009, particularly with respect to its failure to issue “long term solicitations” for renewable energy credits as required by S.B. 221 in order to succeed on a force majeure claim.

Consistent with the requirements of R.C. 4903.221 and OAC Rule 4901-1-11, SA members are real parties in interest in this proceeding. SA submits that its interest is not represented by existing parties and thus their interests are not now represented. SA’s participation will not unduly delay this proceeding or prejudice any existing party. In the interest of administrative economy in this proceeding, SA requests that the Commission permit others who may wish to join with SA to intervene. By granting SA’s motion to intervene, the

Commission will permit SA to contribute to the just and expeditious resolution of the issues and concerns set forth in this proceeding.

WHEREFORE, The Solar Alliance respectfully requests that its motion to intervene in the above-captioned proceeding be granted and that the Commission permit others to join SA's motion to intervene at a later date.

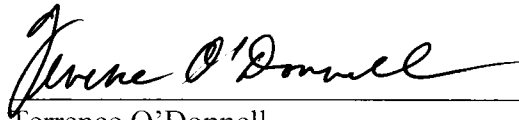
Respectfully submitted on behalf of  
THE SOLAR ALLIANCE

A handwritten signature in black ink, reading "Terrence O'Donnell", written over a horizontal line.

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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 5<sup>th</sup> day of March 2010 *via* regular mail.

  
Terrence O'Donnell

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Summary: Motion to Intervene electronically filed by Teresa Orahood on behalf of The Solar Alliance