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FILE

March 25, 2010

The Public Utilities Commission of Ohio
Docketing Division
180 E. Broad St., 13th Floor
Columbus, OH 43215
Overnight UPS and Via Fax 614.466.0313

RE: Case No. 10-0388-EL-SSO

Dear Clerk:

Enclosed please find one original and eleven copies of NOAC's Motion to Intervene on Behalf of the Communities in the Northwest Ohio Aggregation Coalition for filing. Please return extra file-stamped copy to my attention in the postage prepaid envelope.

Thank you for your attention to this matter. If you have any questions, please feel free to contact me at 419.213.4596.

Sincerely,

Lance M. Keiffer BA

Lance M. Keiffer
Assistant Prosecuting Attorney

LMA/bma
Enclosure

Cc: MRO Parties/Counsel in Certificate

BEFORE
THE PUBLIC UTILITES 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 Market Rate Option to Conduct A Competitive Bidding Process For Standard Service Offer Electric Generation Supply, Accounting Modifications Associated With Reconcilliation Mechanism, And Tariffs for Generation Service.	)	Case No. 10-0388-EL-SSO

MOTION TO INTERVENE
BY
NORTHWEST OHIO AGGREGATION COALITION ("NOAC")

The Cities of Maumee, Northwood, Oregon, Perrysburg, Sylvania and Toledo, the Village of Holland, the Board of Township Trustees, Lake Township (Wood Cty.), Ohio, and the Board of County Commissioners, Lucas County, Ohio, Member Communities of the Northwest Ohio Aggregation Coalition ("NOAC"), on their own behalf and on behalf of their residential and small commercial electric consumers, move the Public Utilities Commission of Ohio ("PUCO" or "Commission") to grant NOAC's intervention in this proceeding. The Ohio Edison Company, the Cleveland Electric Illuminating Company, and the Toledo Edison Company have submitted an Application for approval of an Electric Security Plan ("ESP") to set SSO electric rates throughout their service

territories, effective June 1, 2011. Such rates, and all the numerous riders proposed therein, would directly impact the residential and small commercial consumers participating in NOAC's governmental aggregation program and could, potentially, impact NOAC's program itself. As explained more fully in the attached Memorandum In Support set forth below, NOAC meets the legal standards for intervention and its Motion To Intervene should therefore be granted.

Respectfully submitted,
JULIA R. BATES
Lucas County Prosecuting Attorney

By: _____

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MEMORANDUM IN SUPPORT

I. INTRODUCTION

On March 23, 2010, Ohio Edison Company, the Cleveland Electric Illuminating Company, and the Toledo Edison Company ("Companies") filed an Application ("Application") for the approval of a proposed Electric Security Plan. The approval of the Application would permit the Companies, among other things, to implement an auction process by which the Companies would establish SSO rates for their over 2 million electric customers, starting June 1, 2011. NOAC is a local coalition of political subdivisions operating governmental aggregation programs within Toledo Edison's service territory. NOAC's programs currently provide aggregated third-party electrical service to roughly 190,000 residential and 25,000 small commercial electric consumers. The Commission should grant NOAC's Motion to Intervene in these proceedings so that it can fully participate in the proceedings and protect the interest of its over 200,000 residential and small commercial consumers, as well as the integrity of its electrical governmental aggregation programs that help save its customers millions annually.

It should be noted that the Companies' Application for ESP herein is an alternative to the Companies' earlier-filed Application for an MRO, which also sought to establish the Companies' SSO rates starting June 1, 2011. NOAC sought and was granted intervention in the Companies' MRO case, and participated in the December 2009 hearing held concerning the proposed MRO. This matter is simply an alternative

to that MRO filing, making NOAC's intervention herein as appropriate as it was in the Companies' still pending MRO case.

II. INTERVENTION STANDARDS

Pursuant to R.C. Chapter 4911, the Member Communities of NOAC move to intervene in their own right and as local representatives of residential and small commercial electric consumers within their communities. NOAC meets the standards for intervention found in Ohio's statues and the PUCO's rules.

The interests of residential and small commercial electric consumers in areas served by Toledo Edison are "adversely affected" by these cases, pursuant to the intervention standard in R.C. 4903.221. R.C. 4903.221 provides, in part, that any person "who may be adversely affected" by a PUCO proceeding is entitled to seek intervention in that proceeding. The interest of northwest Ohio residential and small commercial consumers may be "adversely affected" by this proceeding, as these actions seek to establish a process by which their rates may be set through an auction, starting June 1, 2009. Those SSO rates will directly impact the amount NOAC consumers would pay starting June 1, 2011, while terms and conditions adopted as part of the ESP Application could adversely affect NOAC's electrical governmental aggregation programs. Thus, NOAC satisfies the intervention standard in R.C. 4903.221.

NOAC also meets the criteria for intervention set forth in R.C. 4903.221(B), which requires the PUCO, in ruling on motions to intervene, to consider the following:

(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.

First, the nature and extent of NOAC's interest is considerable. The Companies' Application seeks to establish through an auction process embedded in an ESP SSO rates starting June 1, 2011. NOAC currently operates an electric governmental aggregation program, with FirstEnergy Solutions, Inc. as its supplier. The current NOAC rates expire on May 31, 2011, and new rates will be offered its residential and small commercial consumers effective June 1, 2011. (NOAC's contract with FES runs through 2017). The new rates will reflect a pre-set percentage off the SSO rates, effective June 1, 2011. Accordingly, the Companies' ESP Application to set SSO rates effective June 1, 2011, will directly impact the amounts NOAC consumers will pay starting June 1, 2011. NOAC has a direct, real and considerable interest as to the manner by which new SSO rates will be set and as to what terms and conditions might be imposed as part of the auction process that could directly impact the continuing operation of NOAC's aggregation program. This interest is different than that of any other party and supports intervention.

Second, NOAC advocates a fully transparent and competitively effective auction so that any SSO rates established thereby will be the lowest possible rates available in the open market and, therefore, advantageous to its residential and small commercial consumers who are struggling in the current economic climate. This position is consumer oriented and consistent with the objectives of S.B.221.

Third, NOAC's intervention will not unduly prolong or delay the proceedings, as this motion is being made at the outset of this action (within 24 hours of the Application's filing) and well within the time established for seeking intervention.

Fourth, NOAC's intervention will significantly contribute to the full development and equitable resolution of the factual issues. NOAC will provide a local residential and small commercial prospective that the PUCO should consider for the equitable resolution of issues in this case.

III. CONCLUSION

NOAC meets the criteria set forth in R.C. 4903.221, Ohio Adm. Code 4901-1-11, and the precedents established by the Supreme Court of Ohio for intervention. On behalf of the residential and small commercial consumers residing within the NOAC Member Communities, the Commission should grant NOAC's Motion to Intervene.

Respectfully submitted,
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Lucas County Prosecuting Attorney

By: _____

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CERTIFICATE OF SERVICE

This is to hereby certify that a copy of the foregoing Motion to Intervene was sent via the ordinary U.S. mail this 24th day of March, 2010 to the MRO parties/counsel listed below.

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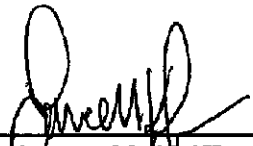
By: 

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