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BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

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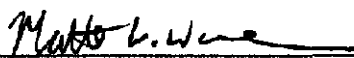
In the Matter of the Application of Ohio Edison)
Company, The Cleveland Electric Illuminating)
Company and The Toledo Edison Company For)
Authority to Establish a Standard Service Offer)
Pursuant to R.C. § 4928.143 in the Form of an Electric)
Security Plan)

Case No. 10-388-EL-SSO

**NORTHEAST OHIO PUBLIC ENERGY COUNCIL'S
MOTION TO INTERVENE**

Pursuant to Ohio Revised Code Section ("R.C.") 4903.221 and Ohio Administrative Code ("OAC") Rule 4901-1-11, the Northeast Ohio Public Energy Council ("NOPEC") respectfully requests that the Public Utilities Commission of Ohio ("Commission") grant NOPEC's motion to intervene in this proceeding. NOPEC recognizes that FirstEnergy's Application in the above-captioned proceeding requests that the Commission rule that "no party that was granted intervention in Case No. 09-906-EL-SSO need move to intervene in this proceeding in order to be deemed a party." However, because the Commission has not yet ruled on FirstEnergy's request, NOPEC is filing this motion to intervene. The reasons supporting NOPEC's intervention are contained in the accompanying Memorandum in Support.

Respectfully submitted,


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In the Matter of the Application of Ohio Edison)	
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Authority to Establish a Standard Service Offer)	Case No. 10-388-EL-SSO
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Electric Security Plan)	

**MEMORANDUM IN SUPPORT OF
THE NORTHEAST OHIO PUBLIC ENERGY COUNCIL'S
MOTION TO INTERVENE**

The Northeast Ohio Public Energy Council ("NOPEC") is a regional council of governments established under Chapter 167 of the Ohio Revised Code, and serves as the largest governmental retail energy aggregator in the State of Ohio. Comprised of 129 communities in the nine northeast Ohio counties of Ashtabula, Lake, Geauga, Cuyahoga, Summit, Lorain, Medina, Trumbull, and Portage, NOPEC provides electric aggregation service to approximately 425,000 electric customers located in the service territories of The Cleveland Electric Illuminating Company and Ohio Edison Company.

On October 20, 2009, the Ohio Edison Company ("OE"), The Cleveland Electric Illuminating Company ("CEI") and Toledo Edison Company ("TE"); (collectively "FirstEnergy") filed an Application for approval of a market rate offer ("MRO") in Case No. 09-906-EL-SSO. NOPEC was granted intervenor status in Case No. 09-906-EL-SSO, and actively participated in the seven (7) days of hearing. Following an expedited briefing schedule, settlement discussions occurred regarding an electric security plan ("ESP"), rather than a MRO. On March 23, 2010, FirstEnergy filed an application for approval of an ESP in the form of a stipulation (the "ESP

Stipulation”) signed by a number of the parties to the MRO proceeding (Case No. 09-906-EL-SSO). NOPEC was not a signatory party to the ESP Stipulation.

R.C. 4903.221(B) and OAC Rule 4901-1-11(A)(2) govern intervention in Commission proceedings. Substantially similar in substance, these provisions explain that the Commission may consider the following in determining whether to grant intervention:

- (1) The nature and extent of the person’s interest;¹
- (2) The legal position of the person seeking intervention and its relation to the merits of the case;²
- (3) Whether intervention would unduly delay the proceeding or unjustly prejudice any existing party;³
- (4) The person’s potential contribution to full development and equitable resolution of the issues involved in the proceeding;⁴ and
- (5) The extent to which the person’s interest is represented by existing parties.⁵

NOPEC has a real and substantial interest in the above-captioned proceeding, and the legal issues NOPEC intends to raise directly relate to the merits of this case. As the largest governmental retail energy aggregator in the State of Ohio, NOPEC is uniquely positioned to represent the interests of both large-scale governmental aggregators and the approximately 425,000 electric aggregation customers in NOPEC’s aggregation. Disposition of this proceeding without NOPEC’s participation will impair or impede its ability to protect these unique interests.

Granting NOPEC’s motion to intervene will not unduly delay these proceedings or unjustly prejudice any existing party because NOPEC is filing this motion the day after the ESP

¹ RC 4903.221(B)(1) and OAC Rule 4901-1-11(B)(1).

² RC 4903.221(B)(2) and OAC Rule 4901-1-11(B)(2).

³ RC 4903.221(B)(3) and OAC Rule 4901-1-11(B)(3).

⁴ RC 4903.221(B)(4) and OAC Rule 4901-1-11(B)(4).

⁵ OAC Rule 4901-1-11(B)(5).

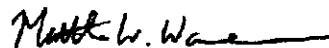
Stipulation was filed, just two days after this docket was opened, and because NOPEC was an intervenor in the MRO proceeding. NOPEC will work cooperatively with others in the case in order to maximize case efficiency where practical, but without compromising NOPEC's unique position as a large-scale governmental aggregator.

NOPEC's intervention and involvement in this case will contribute to the development of a more complete understanding of the meaning and impact of the ESP Stipulation on both large scale governmental aggregators and the approximately 425,000 electric aggregation customers served by NOPEC. NOPEC was granted intervention in both FirstEnergy's prior electric security plan case (Case No. 08-0935-EL-SSO), and the more recent MRO proceeding (Case No. 09-906-EL-SSO).

Finally, based upon its unique status as the largest governmental aggregator in the State of Ohio, NOPEC submits that no current party represents its interests.

WHEREFORE, and for the reasons set forth above, NOPEC respectfully requests that its motion to intervene be granted.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served upon the following parties of record by regular U.S. mail, this 25th day of March 2010.


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