

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application for)	
Approval of a Pilot Program Regarding)	
Mercantile Applications for Special)	Case No. 10-834-EL-EEC
Arrangements with Electric Utilities and)	
Exemptions from Energy Efficiency and)	
Peak Demand Reduction Riders.)	

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

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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 ("O.A.C."), for leave to intervene in the above-captioned matter with the full powers and rights granted by the Commission, specifically by statute or by the provisions of the O.A.C., to intervening parties.

On September 15, 2010, the Commission issued an Entry creating a pilot program to expedite the review and approval process for applications filed by mercantile customers under Rule 4901:1-39-05, O.A.C. Additionally, on October 1, 2010, the Ohio Environmental Council ("OEC") filed in this case a Motion to Stay, Request for Expedited Ruling, and Request for Procedural Schedule.

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 proceeding, and is so situated that the disposition of this proceeding 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 this proceeding. 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 O.A.C. to intervening parties.

Respectfully submitted,

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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's 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, 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. IEU-Ohio members have been, and continue to be, active participants in state and federal regulatory proceedings concerning Ohio's electric utilities, including the Commission's rulemaking and other proceedings to implement the energy efficiency and peak demand reduction ("EE/PDR") mandates contained in Section 4928.66, Revised Code, as enacted by Amended Substitute Senate Bill 221 ("SB 221").

IEU-Ohio's member companies are mercantile customers eligible to participate in the pilot program established by the Commission in this docket. IEU-Ohio has a real

and substantial interest inasmuch as this proceeding may directly or indirectly impact the provision of electric service to IEU-Ohio members' manufacturing facilities. Additionally, IEU-Ohio's direct interest in this proceeding is the result that this proceeding shall have upon the ability of IEU-Ohio members to fulfill the role explicitly granted by Section 4928.66, Revised Code, for mercantile customers to participate in the efforts of Ohio's electric distribution utilities to comply with the EE/PDR mandates.

For the aforementioned reasons, IEU-Ohio has a direct, real, and substantial interest in the issues and matters involved in the above-captioned proceeding that will only be protected by its participation in this proceeding. Therefore, IEU-Ohio hereby requests that the Commission grant its intervention with the full powers and rights granted by the Commission, specifically by statute and by the provisions of the O.A.C., to intervening parties.

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 5th day of October, 2010, via electronic transmission, hand delivery, or first class mail, postage prepaid.

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ON BEHALF OF THE OFFICE OF THE OHIO CONSUMERS' COUNSEL

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Summary: Motion to Intervene and Memorandum in Support electronically filed by Mr. Joe Clark on behalf of INDUSTRIAL ENERGY USERS OF OHIO