

FILE

5

BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of Ohio Edison)	
Company, The Cleveland Electric Illuminating)	Case No. 11-126-EL-EEC
Company and The Toledo Edison Company to)	Case No. 11-127-EL-EEC
Amend Their Energy Efficiency and Peak Demand)	Case No. 11-128-EL-EEC
Reduction Benchmarks)	

NUCOR STEEL MARION, INC.'S MOTION FOR INTERVENTION
AND MEMORANDUM IN SUPPORT

Owen J. Kopon*
PHV #1055-2011
E-Mail: ojk@bbrslaw.com
Counsel of Record
Brickfield, Burchette, Ritts & Stone, P.C.
1025 Thomas Jefferson Street, N.W.
8th Floor, West Tower
Washington, D.C. 20007
(202) 342-0800 (Main Number)
(202) 342-0807 (Facsimile)
*Pending admission *pro hac vice*

Attorney for Nucor Steel Marion, Inc.

PUCO

2011 FEB -8 PM 3:22

RECEIVED - DOCKETING DIV

This is to certify that the images appearing are an
accurate and complete reproduction of a case file
document delivered in the regular course of business.
Technician IN Date Processed FEB 08 2011

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Ohio Edison)	
Company, The Cleveland Electric Illuminating)	Case No. 11-126-EL-EEC
Company and The Toledo Edison Company to)	Case No. 11-127-EL-EEC
Amend Their Energy Efficiency and Peak Demand)	Case No. 11-128-EL-EEC
Reduction Benchmarks)	

**NUCOR STEEL MARION, INC.'S MOTION FOR INTERVENTION
AND MEMORANDUM IN SUPPORT**

I. MOTION FOR INTERVENTION

Pursuant to Ohio Revised Code ("RC") § 4903.221 and Ohio Administrative Code ("OAC") 4901-1-11, Nucor Steel Marion, Inc. ("Nucor") respectfully moves the Commission for leave to intervene in the above-captioned dockets, for the reasons more fully set forth in the below Memorandum in Support.

II. MEMORANDUM IN SUPPORT

For purposes of considering requests for leave to intervene in a Commission proceeding, OAC 4901-1-11(A) provides that:

Upon timely motion, any person shall be permitted to intervene in a proceeding upon a showing that: ... (2) The person has a real and substantial interest in the proceeding, and the person is so situated that the disposition of the proceeding may, as a practical matter, impair or impede his or her ability to protect that interest, unless the person's interest is adequately represented by existing parties.

Further, RC § 4903.221(B) and OAC 4901-1-11(B) provide that the Commission, in ruling upon applications to intervene in its proceedings, shall consider the following criteria:

(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 proceedings; (4) Whether the prospective intervenor will significantly contribute to full development and equitable resolution of the factual issues.

OAC 4901-1-11(B) also provides that an additional factor in considering a request to intervene will be the extent to which the person's interest is represented by existing parties.

Nucor is a large industrial consumer of electricity delivered to it by the Ohio Edison Company ("Ohio Edison"). Nucor uses electricity throughout its operations, but in particular, uses substantial quantities of electricity to melt steel scrap, recycling it to make new steel. Nucor pays Ohio Edison millions of dollars per year for electricity. The cost of electricity is critical to Nucor's competitiveness in the national and international steel markets.

In the above-captioned proceeding, Ohio Edison, the Cleveland Electric Illuminating Company ("CEI"), and the Toledo Edison Company ("Toledo Edison") (collectively "FirstEnergy") seek an order amending their energy efficiency ("EE") and peak demand reduction ("PDR") benchmarks. FirstEnergy's proposal could affect the cost of electric service to Nucor and, accordingly, Nucor has direct, real, and substantial interests in this proceeding. Moreover, the disposition of this proceeding without Nucor's participation would prejudice and impede Nucor's ability to protect its substantial business interests.

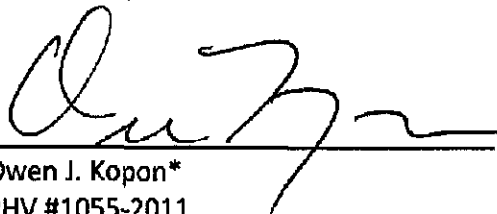
Further, others participating in this proceeding do not represent Nucor's interests, and it would be inappropriate to determine this proceeding without Nucor's participation. Nucor submits that its unique perspectives will contribute to the full, equitable, and expeditious

resolution of this proceeding. Lastly, Nucor's timely intervention will not unduly delay the proceeding, or unjustly prejudice the interests of any existing party to this proceeding.

III. CONCLUSION

For the reasons set forth above, Nucor respectfully requests the Commission to grant Nucor's request to intervene in the above-captioned proceeding.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Owen J. Kopon", is written over a horizontal line.

Owen J. Kopon*

PHV #1055-2011

E-Mail: ojk@bbrslaw.com

Counsel of Record

Brickfield, Burchette, Ritts & Stone, P.C.

1025 Thomas Jefferson Street, N.W.

8th Floor, West Tower

Washington, D.C. 20007

(202) 342-0800 (Main Number)

(202) 342-0807 (Facsimile)

* Pending admission *pro hac vice*

Attorney for Nucor Steel Marion, Inc.

CERTIFICATE OF SERVICE

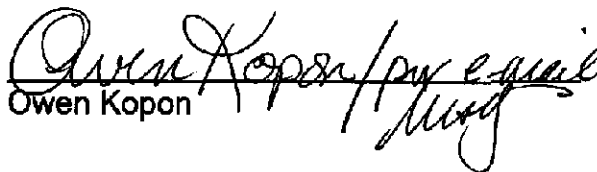
I hereby certify that a copy of the foregoing pleading was served via U.S. Mail postage prepaid on the 8th day of February, 2011 upon the following:

Kathy J. Kolich
Carrie Dunn
FirstEnergy Service Company
76 South Main Street
Akron, Ohio 44308
Email: kjkolich@firstenergycorp.com
Email: cdunn@firstenergycorp.com

Colleen L. Mooney
Ohio Partners for Affordable Energy
231 West Lima Street
Findlay, Ohio 45839
Email: cmooney2@columbus.rr.com

William T. Reisinger
Nolan Moser
Trent A. Dougherty
Elizabeth Camille Yancey
Ohio Environmental Council
1207 Grandview Avenue, Suite 201
Columbus, Ohio 43212
Email: will@theoec.org
Email: nolan@theoec.org
Email: trent@theoec.org
Email: camille@theoec.org

Henry W. Eckhart
The Natural Resources Defense Council
50 West Broad Street, #2117
Columbus, Ohio 43215
Email: henryeckhart@aol.com


Owen Kopon