

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of The Cleveland)	
Electric Illuminating Company and ArcelorMittal)	
USA Inc. and ArcelorMittal Cleveland Inc. for)	Case No. 09-1120-EL-EEC
Approval of a Special Arrangement Agreement)	
With a Mercantile Customer)	

**MOTION OF ARCELORMITTAL CLEVELAND INC.
FOR PROMPT COMMISSION APPROVAL OF UNOPPOSED APPLICATION**

Pursuant to Ohio Adm. Code 4901-1-12, ArcelorMittal Cleveland Inc. (AM-Cleveland) files this Motion requesting the Public Utilities Commission of Ohio to promptly issue an order approving the unopposed December 31, 2009 Application for Approval of a Special Arrangement Agreement with a Mercantile Customer (Application) filed by The Cleveland Electric Illuminating Company (CEI) and AM-Cleveland pursuant to Ohio Adm. Code 4901:1-39-08(B). Approval of this unopposed Application would allow CEI to attribute the energy reductions associated with AM-Cleveland's projects to CEI's energy efficiency and demand reduction programs to meet its benchmarks under S.B. 221 (R.C. 4928.66) and, further, would exempt AM-Cleveland from CEI's Rider DSE2 charges. The reasons the Commission should grant this Motion are further set forth in the attached Memorandum in Support.

Respectfully submitted,

/s/ Nancy A. White

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April 7, 2011

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Electric Illuminating Company and ArcelorMittal)	
USA Inc. and ArcelorMittal Cleveland Inc. for)	Case No. 09-1120-EL-EEC
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**MEMORANDUM IN SUPPORT OF
MOTION OF ARCELORMITTAL CLEVELAND INC.
FOR PROMPT COMMISSION APPROVAL OF UNOPPOSED APPLICATION**

Pursuant to Ohio Adm. Code 4901-1-12(a), ArcelorMittal Cleveland Inc. (AM-Cleveland) files this Memorandum in Support of its Motion requesting the Public Utilities Commission of Ohio (Commission) to promptly issue an order approving the unopposed December 31, 2009 Application for Approval of a Special Arrangement Agreement with a Mercantile Customer (Application) filed by The Cleveland Electric Illuminating Company (CEI) and AM-Cleveland pursuant to Ohio Adm. Code 4901:1-39-08(B). In support hereof, AM-Cleveland respectfully submits as follows:

I.

On December 31, 2009, CEI and AM-Cleveland submitted the Application pursuant to Rule 4901:1-39-08(B), seeking approval of a special arrangement and Mercantile Customer Project Commitment Agreement (Agreement) whereby AM-Cleveland would commit the Energy Projects described in Exhibit A to the Agreement for inclusion in CEI's energy efficiency and demand reduction (EEDR) compliance program. The Agreement further provides that, with such commitment, AM-Cleveland will be exempt from paying charges under CEI's Rider DSE2, with such exemption becoming effective during AM-Cleveland's first billing cycle after the issuance of the Commission's approval of the Application. The Application provides ample evidence that the

Energy Projects qualify for inclusion in CEI's EEDR program.

On February 2, 2010, the Ohio Environmental Council (OEC) moved to intervene. On March 30, 2010, the Office of the Ohio Consumer's Counsel (OCC) also moved to intervene. Neither OEC nor OCC raised any objection or concern with respect to the Application or inclusion of the Energy Projects in the EEDR program. No other entity sought to intervene in this proceeding. On January 25, 2011, the Commission's Staff issued its Recommendation on the Application, concluding that the Energy Projects meet the requirements for inclusion in CEI's EEDR compliance plan and recommending approval of the Application.

Accordingly, the unopposed Application is ripe for Commission action and approval.

II.

AM-Cleveland appreciates the significant demands that have been placed on the Commission's resources with the recent Ohio energy legislation and related regulatory initiatives and understands that those demands have resulted in slower than normal processing of certain filings. However, the need for action on the Application, which has now been pending before the Commission for 15 months, is now acute. On March 23, 2011, the Commission approved CEI's proposed DSE2 surcharges¹ and CEI has filed revised tariff sheets to put those new DSE2 charges into effect.² Unless the Commission acts promptly to approve the unopposed Application, AM-

¹ *In the Matter of the Application of The Cleveland Electric Illuminating Company, Ohio Edison Company, and The Toledo Edison Company for Approval of Their Energy Efficiency and Peak Demand Reduction Program Portfolio Plans for 2010 through 2012 and Associated Cost Recovery Mechanism, et al.*, Case No. 09-1947-EL-POR, et al., *Opinion and Order* dated March 23, 2011.

² See CEI's filing of Revised Tariff Pages for PUCO Electric Tariff No.13, in Case No. 09-1947-EL-POR dated March 28, 2011.

Cleveland faces the potential of being subject to significant DSE2 surcharges³ that, but for the delay in action on this unopposed Application, AM-Cleveland would not have incurred.

WHEREFORE, ArcelorMittal Cleveland Inc. respectfully requests that the Commission act promptly to approve the Application.

Respectfully submitted,

/s/ Nancy A. White

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Counsel for ArcelorMittal Cleveland Inc.

April 7, 2011

³

AM-Cleveland consumes significant quantities of electricity in its Cleveland steelmaking operations. Without the exemption, AM-Cleveland would be subject to DSE2 surcharges totaling several hundred thousands of dollars annually.

CERTIFICATE OF SERVICE

I hereby certify that a copy of this *Motion for Prompt Commission Approval of Unopposed Application and Supporting Memorandum* was served on the persons stated below by regular U.S. Mail, postage prepaid, on this 7th day of April, 2011.

/s/ Nancy A. White

Nancy A. White
Counsel for ArcelorMittal Cleveland Inc.

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Summary: Motion MOTION OF ARCELORMITTAL CLEVELAND INC. FOR PROMPT
COMMISSION APPROVAL OF UNOPPOSED APPLICATION
electronically filed by Ms. Nancy A White on behalf of Arcelormittal Cleveland Inc.