

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

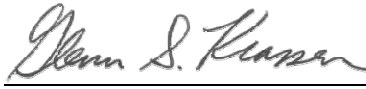
In the Matter of the Application of Ohio Edison)	
Company, The Cleveland Electric Illuminating)	
Company and The Toledo Edison Company For)	
Authority to Provide a Standard Service Offer Pursuant)	Case No. 12-1230-EL-SSO
to R.C. § 4928.143 in the Form of an Electric Security)	
Plan)	

**NORTHEAST OHIO PUBLIC ENERGY COUNCIL’S
CORRECTED 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. The Public Utilities Commission of Ohio (the “Commission”) should grant the motion to intervene because NOPEC has a real and substantial interest in this proceeding, and the Commission’s disposition of this proceeding may impair or impede NOPEC’s ability to protect that interest. NOPEC believes that its participation will not unduly prolong or delay this proceeding, and it will contribute to the full development and equitable resolution of the issues in this proceeding. NOPEC’s interests also will not be adequately represented by other parties to this proceeding.

The reasons supporting NOPEC’s intervention are contained in the accompanying Memorandum in Support.

Respectfully submitted,



Glenn S. Krassen
BRICKER & ECKLER LLP
1001 Lakeside Avenue East, Suite 1350
Cleveland, Ohio 44114
Telephone: (216) 523-5469
Facsimile: (216) 523-7071
E-mail: gkrassen@bricker.com

Matthew W. Warnock
BRICKER & ECKLER LLP
100 South Third Street
Columbus, Ohio 43215
Telephone: (614) 227-2388
Facsimile: (614) 227-2301

Attorneys for Northeast Ohio Public Energy Council

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Ohio Edison)	
Company, The Cleveland Electric Illuminating)	
Company and The Toledo Edison Company For)	
Authority to Provide a Standard Service Offer Pursuant)	Case No. 12-1230-EL-SSO
to R.C. § 4928.143 in the Form of an Electric Security)	
Plan)	

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

On April 13, 2012, the Ohio Edison Company (“OE”), The Cleveland Electric Illuminating Company (“CEI”) and Toledo Edison Company (“TE”); (collectively “FirstEnergy”) filed an application for approval of its third electric electric security plan (“ESP 3”) in the form of a stipulation (the “ESP Stipulation”) signed by a number of the parties to FirstEnergy’s most recent electric security plan proceeding (Case No. 10-388-EL-SSO). NOPEC has not signed the ESP Stipulation filed with the Commission in the above-captioned proceeding.

NOPEC is a regional council of governments established under Chapter 167 of the Ohio Revised Code, and is the largest governmental retail energy aggregator in the State of Ohio. Comprised of 162 communities in the ten (10) northeast Ohio counties of Ashtabula, Lake, Geauga, Cuyahoga, Summit, Lorain, Medina, Trumbull, Portage and Huron, NOPEC provides electric aggregation service to approximately 500,000 retail electric customers located in the service territories of The Cleveland Electric Illuminating Company (“CEI”) and Ohio Edison Company (“OE”).

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

Consistent with these requirements, 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 500,000 retail electric customers participating 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 within several days after the ESP Stipulation was filed. NOPEC will work cooperatively with others in the case in

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).

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 500,000 retail electric customers served by NOPEC. NOPEC was granted intervention in each of FirstEnergy's prior electric security plan cases (Case No. 08-0935-EL-SSO and and 10-388-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 the Commission grant its motion to intervene.

Respectfully submitted,



Glenn S. Krassen
BRICKER & ECKLER LLP
1001 Lakeside Avenue East, Suite 1350
Cleveland, Ohio 44114
Telephone: (216) 523-5469
Facsimile: (216) 523-7071
E-mail: gkrassen@bricker.com

Matthew W. Warnock
BRICKER & ECKLER LLP
100 South Third Street
Columbus, Ohio 43215
Telephone: (614) 227-2388
Facsimile: (614) 227-2301

Attorneys for Northeast Ohio Public Energy Council

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served upon the following parties of record by e-mail and/or regular U.S. mail, this 18th day of April 2012.



Matthew W. Warnock

James W. Burk, Counsel of Record
Arthur E. Korkosz
FirstEnergy Service Company
76 South Main St.
Akron, OH 44308
burki@firstenergycorp.com
korkosza@firstenergycorp.com

William Wright
Attorney General's Office
Public Utilities Section
180 East Broad Street, 6th Floor
Columbus, OH 43215
William.wright@puc.state.oh.us

Colleen L. Mooney
Ohio Partners for Affordable Energy
231 West Lima Street
Findlay, OH 45839-1793
cmooney2@columbus.rr.com

Joseph M. Clark
6641 North High St., Suite 200
Worthington, OH 43085
jmclark@vectren.com

Asim Z Haque
Ice Miller LLP
250 West Street
Columbus, OH 43215
Asim.haque@icemiller.com

Vincent Parisi
Matthew White
Interstate Gas Supply, Inc.
6100 Emerald Parkway
Dublin, OH 43016
vparisi@igsenergy.com
mwhite@igsenergy.com

M. Howard Petricoff
Vorys, Sater, Seymour and Pease LLP
52 East Gay Street
P. O. Box 1008
Columbus, OH 43216-1008
mhpetricoff@vssp.com

James F. Lang
Laura C. McBride
Calfee, Harter & Griswold LLP
1405 East Sixth Street
Cleveland, OH 44114
jlang@calfee.com
lmcbride@calfee.com
Christopher J. Allwein
Williams Allwein & Moser, L.L.C.
1373 Grandview Ave., Suite 212
Columbus, Ohio 43212
callwein@wamenergyllaw.co

Robert Kelter
Environmental Law & Policy Center
35 East Wacker Drive, Suite 1600
Chicago, IL 60601
rkelter@elpc.org

Leslie A. Kovacik
City of Toledo
420 Madison Ave., Suite 100
Toledo, Ohio 43604-1219
leslie.kovacik@toledo.oh.gov

Thomas R. Hays
John Borell
Lucas County Prosecutors Office
700 Adams Street Suite 251
Toledo, Ohio 43604
trhayslaw@gmail.com
jaborell@co.lucas.oh.us

David A. Kutik
Jones Day
901 Lakeside Avenue
Cleveland, OH 44114

Larry S. Sauer, Counsel of Record
Terry L. Etter
Melissa Yost
Assistant Consumers' Counsel
10 West Broad Street, Suite 1800
Columbus, OH 43215-3485
sauer@occ.state.oh.us
etter@occ.state.oh.us
yost@occ.state.oh.us

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

4/18/2012 1:21:51 PM

in

Case No(s). 12-1230-EL-SSO

Summary: Motion Northeast Ohio Public Energy Council's CORRECTED Motion to Intervene electronically filed by Teresa Orahod on behalf of NORTHEAST OHIO PUBLIC ENERGY COUNCIL ATTORNEY