Before

**The Public Utilities Commission of Ohio**

In the Matter of the Application of Ohio Edison )

Company, The Cleveland Electric Illuminating )Case Nos. 09-1947-EL-POR

Company and The Toledo Edison Company ) 09-1948-EL-POR

for Approval of Their Energy Efficiency and Peak ) 09-1949-EL-POR

Demand Reduction Program Portfolio Plans for )

2010 and Associated Cost Recovery Mechanisms.)

In the Matter of the Application of Ohio Edison )Case Nos. 09-1942-EL-EEC

Company, The Cleveland Electric Illuminating ) 09-1943-EL-EEC

Company and The Toledo Edison Company for ) 09-1944-EL-EEC

Approval of Their Initial Benchmark Reports. )

In the Matter of the Energy Efficiency and Peak )

Demand Reduction Program Portfolio of Ohio )Case Nos. 09-580-EL-EEC

Edison Company, The Cleveland Electric ) 09-581-EL-EEC

Illuminating Company, and The Toledo Edison ) 09-582-EL-EEC

Company. )

# MOTION TO INTERVENE AND MEMORANDUM IN SUPPORT

# OF INDUSTRIAL ENERGY USERS-OHIO

Samuel C. Randazzo (Counsel of Record)

Lisa G. McAlister

Joseph M. Clark

McNees Wallace & Nurick LLC

21 East State Street, 17TH Floor

Columbus, OH 43215

Telephone: (614) 469-8000

Telecopier: (614) 469-4653

sam@mwncmh.com

lmcalister@mwncmh.com

jclark@mwncmh.com

December 29, 2009 Attorneys for Industrial Energy Users-Ohio

Before

**The Public Utilities Commission of Ohio**

In the Matter of the Application of Ohio Edison )

Company, The Cleveland Electric Illuminating )Case Nos. 09-1947-EL-POR

Company and The Toledo Edison Company ) 09-1948-EL-POR

for Approval of Their Energy Efficiency and Peak ) 09-1949-EL-POR

Demand Reduction Program Portfolio Plans for )

2010 and Associated Cost Recovery Mechanisms.)

In the Matter of the Application of Ohio Edison )Case Nos. 09-1942-EL-EEC

Company, The Cleveland Electric Illuminating ) 09-1943-EL-EEC

Company and The Toledo Edison Company for ) 09-1944-EL-EEC

Approval of Their Initial Benchmark Reports. )

In the Matter of the Energy Efficiency and Peak )

Demand Reduction Program Portfolio of Ohio )Case Nos. 09-580-EL-EEC

Edison Company, The Cleveland Electric ) 09-581-EL-EEC

Illuminating Company, and The Toledo Edison ) 09-582-EL-EEC

Company. )

# 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, for leave to intervene in the above-captioned matters with the full powers and rights granted by the Commission, specifically by statute or by the provisions of the Ohio Administrative Code, to intervening parties.[[1]](#footnote-1)

On December 15, 2009, Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company (collectively, “FirstEnergy”) filed in the above-captioned cases an Application for approval of their respective initial three-year energy efficiency and peak demand reduction program portfolios as well as for approval of their respective initial benchmark compliance reports.

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 proceedings, and is so situated that the disposition of these proceedings 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 these proceedings. 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 Ohio Administrative Code, to intervening parties.

Respectfully submitted,

/s/ Joseph M. Clark

Samuel C. Randazzo (Counsel of Record)

Lisa G. McAlister

Joseph M. Clark

McNees Wallace & Nurick LLC

21 East State Street, 17TH Floor

Columbus, OH 43215

Telephone: (614) 469-8000

Telecopier: (614) 469-4653

sam@mwncmh.com

lmcalister@mwncmh.com

jclark@mwncmh.com

**Attorneys for** **Industrial Energy Users-Ohio**

Before

**The Public Utilities Commission of Ohio**

In the Matter of the Application of Ohio Edison )

Company, The Cleveland Electric Illuminating )Case Nos. 09-1947-EL-POR

Company and The Toledo Edison Company ) 09-1948-EL-POR

for Approval of Their Energy Efficiency and Peak ) 09-1949-EL-POR

Demand Reduction Program Portfolio Plans for )

2010 and Associated Cost Recovery Mechanisms.)

In the Matter of the Application of Ohio Edison )Case Nos. 09-1942-EL-EEC

Company, The Cleveland Electric Illuminating ) 09-1943-EL-EEC

Company and The Toledo Edison Company for ) 09-1944-EL-EEC

Approval of Their Initial Benchmark Reports. )

In the Matter of the Energy Efficiency and Peak )

Demand Reduction Program Portfolio of Ohio )Case Nos. 09-580-EL-EEC

Edison Company, The Cleveland Electric ) 09-581-EL-EEC

Illuminating Company, and The Toledo Edison ) 09-582-EL-EEC

Company. )

# 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 members purchase substantial amounts of electric and related services from FirstEnergy, which are public utilities subject to the jurisdiction of the Commission.

IEU-Ohio 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, including actively participating in the legislative process related to SB 221 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.

Many IEU-Ohio member companies are served by FirstEnergy and may be affected by FirstEnergy’s request for approval of the initial three-year energy efficiency and peak demand reduction program portfolios for each of the operating companies as well as for approval of the initial benchmark compliance reports for each of the operating companies. IEU-Ohio has a real and substantial interest in these proceedings, specifically in the provision of electric service to IEU-Ohio members’ manufacturing facilities. IEU-Ohio’s direct interest in these proceedings is the result of the effect that these proceedings shall have upon the price, adequacy, and reliability of the electric supply and related services within Ohio, including the areas presently served by FirstEnergy.

Respectfully submitted,

/s/ Joseph M. Clark

Samuel C. Randazzo (Counsel of Record)

Lisa G. McAlister

Joseph M. Clark

McNees Wallace & Nurick LLC

Fifth Third Center

21 East State Street, 17th Floor

Columbus, OH 43215-4228

Telephone: (614) 469-8000

Telecopier: (614) 469-4653

sam@mwncmh.com

lmcalister@mwncmh.com

jclark@mwncmh.com

**Attorneys for** **Industrial Energy Users-Ohio**

#### 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 29th day of December 2009, via first class mail, postage prepaid.

/s/ Joseph M. Clark

Joseph M. Clark

Arthur Korkosz

FirstEnergy Service Company

76 South Main Street

Akron, OH 44308

korkosza@firstenergycorp.com

James Lang

Trevor Alexander

Calfee, Halter & Griswold LLP

1400 KeyBank Center

800 Superior Avenue

Cleveland, OH 44114

jlang@calfee.com

talexander@calfee.com

**On Behalf of Ohio Edison Company, The Cleveland Electric Illuminating Company and The Toledo Edison Company**

Henry Eckhart

50 West Broad Street, Suite 2117

Columbus, OH 43215

henryeckhart@aol.com

**On Behalf of The Sierra Club of Ohio and The Natural Resources Defense Council**

Janine Migden-Ostrander

Consumers’ Counsel

Jeffrey Small

Gregory Poulos

Christopher Allwein

Assistant Consumers’ Counsel

Office of the Ohio Consumers’ Counsel

10 West Broad Street, Suite 1800

Columbus, OH 43215-3485

small@occ.state.oh.us

poulos@occ.state.oh.us

allwein@occ.state.oh.us

**On Behalf of The Ohio Consumers’ Counsel**

Theodore Robinson

Citizen Power

2121 Murray Avenue

Pittsburgh, PA 15217

**On Behalf of Citizen Power**

Will Reisinger

Nolan Moser

Trent Dougherty

The Ohio Environmental Council

1207 Grandview Avenue, Suite 201

Columbus, OH 43212-3449

will@theOEC.org

nolan@theOEC.org

trent@theOEC.org

**On Behalf of The Ohio Environmental Council**

Christopher Miller

Andre Porter

Gregory Dunn

Schottenstein Zox & Dunn Co. LPA

250 West Street

Columbus, OH 43215

cmiller@szd.com

aporter@szd.com

gdunn@szd.com

**On Behalf of The AICUO**

Joseph Meissner

The Legal Aid Society of Cleveland

1223 West 6th Street

Cleveland, OH 44113

jpmeissn@lasclev.org

**On Behalf of The Neighborhood Environmental Coalition, Consumers for Fair Utility Rates and The Empowerment Center of Greater Cleveland and The Cleveland Housing Network**

David Boehm

Michael Kurtz

Boehm, Kurtz & Lowry

36 East Seventh Street, Suite 1510

Cincinnati, OH 45202

dboehm@BKLlawfirm.com

mkurtz@BKLlawfirm.com

**On Behalf of The Ohio Energy Group**

David Rinebolt

Colleen Mooney

Ohio Partners for Affordable Energy

231 West Lima Street

Findlay, OH 45839-1793

drinebolt@ohiopartners.org

cmooney2@columbus.rr.com

**On Behalf of The Ohio Partners for Affordable Energy**

1. The Commission previously granted an IEU-Ohio Motion to Intervene in Case Nos. 09-580-EL-EEC,   
   *et al*. *In the Matter of the Energy Efficiency and Peak Demand Reduction Program Portfolio of Ohio Edison Company*, PUCO Case Nos. 09-580-EL-EEC, *et al*., Finding and Order at 2   
   (September 23, 2009). However, IEU-Ohio includes this case caption on this Motion to Intervene for the purposes of consistency with the case caption on the December 15, 2009 Application. [↑](#footnote-ref-1)