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**FirstEnergy**

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PUCO

*Via Federal Express  
and Facsimile (614-466-0313)*

July 27, 2007

Ms. Renee J. Jenkins  
Director, Administration Department  
Secretary to the Commission  
Docketing Division  
The Public Utilities Commission of Ohio  
180 East Broad Street  
Columbus, OH 43215-3793

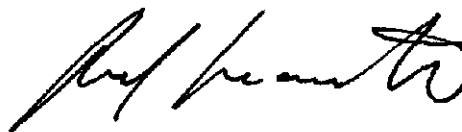
Dear Ms. Jenkins:

**Re: *Motion to Intervene of FirstEnergy Solutions Corp.*  
*Case Nos. 07-796-EL-ATA and 07-797-EL-AAM***

Enclosed for filing, please find the original and twelve (12) copies of the *Motion to Intervene of FirstEnergy Solutions Corp.* regarding the above-referenced case. Please file the enclosed *Motion*, time-stamping the two extras and returning them to me in the enclosed envelope.

Thank you for your assistance in this matter. Please contact me if you have any questions.

Very truly yours,



kag  
Enclosures

cc: Parties of Record

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.  
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**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 )	Case No. 07-796-EL-ATA
For Approval of a Competitive Bidding Process )	Case No. 07-797-EL-AAM
for Standard Service Offer Electric Generation )	
Supply, Accounting Modifications Associated )	
With Reconciliation Mechanism and Phase In, )	
and Tariffs for Generation Service )	

**Motion to Intervene of FirstEnergy Solutions Corp.**

FirstEnergy Solutions Corp. ("Solutions") respectfully requests that the Public Utilities Commission of Ohio ("Commission") grant Solutions' intervention in the above-captioned proceedings pursuant to R.C. 4903.221 and O.A.C. 4901-1-11. As set forth in the attached memorandum in support, Solutions meets the prerequisites to intervention because (a) Solutions has a real and substantial interest in these proceedings that may be adversely affected; (b) no other party can adequately represent those interests; (c) the granting of this intervention will not unduly prolong or delay the proceedings; and (d) Solutions' participation in these proceedings will significantly contribute to the full development and equitable resolution of the factual issues. Accordingly, Solutions asks the Commission to grant its motion to intervene.

Respectfully submitted,



Rick C. Giannantonio (0030153)  
Senior Attorney  
FirstEnergy Service Company  
76 South Main Street  
Akron, OH 44308  
Phone: 330/384-5893  
On behalf of FirstEnergy  
Solutions Corp.

## **Memorandum in Support of Motion to Intervene**

### **I. Introduction.**

On July 10, 2007, Ohio Edison Company, The Cleveland Electric Illuminating Company and The Toledo Edison Company (collectively, the "Companies"), in accordance with Revised Code 4928.14, and the Commission's regulations for Market-Based Standard Service Offer and Competitive Bidding Process for Electric Utilities (OAC 4901:1-35), filed for approval of a competitive bidding process designed to procure supply for the provision of Standard Service Offer electric generation service to retail electric customers who do not purchase electric generation service from a competitive retail supplier beginning January 1, 2009. The Application is also seeking approval of accounting modifications to implement a proposed reconciliation mechanism and tariffs for generation service.

FirstEnergy Solutions Corp. ("Solutions") is an Ohio corporation and a Certified Electric Retail Service ("CRES") provider in the State of Ohio that offers generation services to Ohio customers as an alternative to local utility generation service. Solutions serves customers located in the Companies' service territories and intends to continue to do so in the future. Because the Companies are seeking to establish a bidding process for the procurement of generation supply which provides an alternative to and is in competition with generation services offered by Solutions, the Companies' actions could adversely affect Solutions' competitive interests. As a CRES provider, Solutions has an interest in the outcome of these proceedings, especially as they affect the competitive generation market. Accordingly, Solutions' motion to intervene should be granted.

## **II. Solutions Meets the Prerequisites to Intervention.**

Both Ohio Administrative Code Section 4901-1-11 and R.C. 4903.221(B) set forth essentially the same criteria to be considered by the Commission when granting intervention:

- (1) The nature of the person's interest;
- (2) The extent to which the person's interest is represented;
- (3) Whether intervention by the prospective intervenor will unduly prolong or delay the proceedings; and
- (4) Whether the prospective intervenor will significantly contribute to the full development and equitable resolution of the factual issues.

As demonstrated below, Solutions meets all of these criteria.

### **A. Solutions Has Interests That Are Not Adequately Represented by Other Parties.**

Solutions offers generation services which compete with the generation services procured for and offered by the Companies. As noted in the Application, the Companies are proposing a process to procure generation service for the Companies' retail electric customers who do not purchase electric generation service from a competitive retail supplier. A critical consideration when deciding whether to switch to a CRES provider is the price at which the customer can obtain CRES generation services. Therefore, the market price of generation when compared to the price obtained through the proposed competitive bid process will be critical to the level of competition in the Companies' service territories. Because Solutions competes with the generation services procured for and by the Companies, the price and terms of such generation service are of critical importance to Solutions. Therefore, it is in Solutions' interest to ensure that its competitive interests are not unduly prejudiced through these proceedings. And given that the interests of Solutions are competitive interests that directly relate to its financial wherewithal, no

other party can adequately represent these interests. Accordingly, Solutions' motion to intervene should be granted.

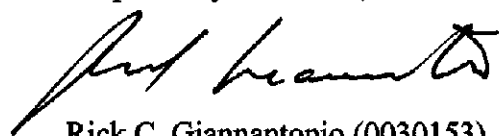
**B. Solutions' Intervention Will Not Unduly Prolong or Delay the Proceedings and Will Contribute to the Full Development and Equitable Resolution of the Factual Issues.**

In light of the fact that no pre-hearing conference or procedural schedule has yet been established, the granting of Solutions' motion will not unduly delay or prolong these proceedings. Moreover, given Solutions' unique interests in these proceedings, Solutions' participation should bring to light certain facts and a perspective that may not otherwise be revealed in the evidentiary record. Therefore, granting Solutions' intervention will allow the Commission to make a more informed decision based upon a more complete record.

**III. Conclusion.**

Solutions meets all of the prerequisites to intervention as required by R.C. 4903.221 and O.A.C. 4901-1-11. Accordingly, Solutions respectfully asks this Commission to grant its motion to intervene in these proceedings.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Rick C. Giannantonio", with a stylized flourish at the end.

Rick C. Giannantonio (0030153)  
Senior Attorney  
FirstEnergy Service Company  
76 South Main Street  
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Phone: 330/384-5893

On behalf of FirstEnergy  
Solutions Corp.

## **CERTIFICATE OF SERVICE**

THIS IS TO CERTIFY that a copy of the foregoing Motion to Intervene and related Memorandum in Support of FirstEnergy Solutions Corp. was served by regular U.S. Mail, postage prepaid, upon each of the following parties this \_\_\_\_ day of July, 2007.

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