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BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO

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In the Matter of the Application of the Ohio )  
 Edison Company, the Cleveland Electric )  
 Illuminating Company, and the Toledo )  
 Edison Company for Approval of a ) Case No. 07-796-EL-ATA  
 Competitive Bidding Process for Standard ) Case No. 07-797 - EL - ATA  
 Service Offer Electric Generation Supply, )  
 Accounting Modifications Associated with )  
 Reconciliation Mechanism and Phase In, )  
 and Tariffs for Generation Service. )

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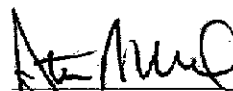
MOTION TO INTERVENE  
 OF  
 THE COUNCIL OF SMALLER ENTERPRISES (COSE)

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The Council of Smaller Enterprises ("COSE") hereby moves to intervene in the above-captioned proceeding pursuant to Section 4903.221, Revised Code, and Rule 4901-1-11 of the Ohio Administrative Code. As more fully discussed in the accompanying memorandum, COSE submits that it has a real substantial interest in this proceeding and that its participation in this proceeding will contribute to a just and expeditious resolution of the issues involved. COSE further submits that its interest is not represented by any existing party and that granting its motion to intervene will not unduly delay the proceeding or unjustly prejudice any existing party.

Wherefore, COSE respectfully requests that its motion to intervene in this proceeding be granted.

Respectfully Submitted,




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Steve Millard  
 Executive Director  
 The Council of Smaller Enterprises  
 The Higbee Building  
 100 Public Square, Suite 201  
 Cleveland, OH 44113  
 Telephone: (216) 592-2436  
 Facsimile: (216) 621-1827

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**COSE's Memorandum in Support of Motion to Intervene**

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From the standpoint of both the substantive merits and timeliness of its request, COSE respectfully submits that it is entitled to intervene in these proceedings. 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 intervener's interest; (2) The legal position advanced by the prospective intervener and its probable relation to the merits of the case; (3) Whether the intervention by the prospective intervener will unduly prolong or delay the proceedings; (4) Whether the prospective intervener 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.

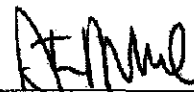
In support of the motion to intervene the Council of Smaller Enterprises ("COSE") is a Cleveland-area alliance of small businesses offering group-benefits to its constituent members, including group purchasing programs, access to collective resources, and an ability to speak with a single voice with respect to issues of interest to small businesses throughout Ohio. COSE aims to provide members benefits through group purchasing programs that reduce members' costs of doing business and advocating for small businesses on regulatory and legislative issues that affect their businesses. Based on the membership of COSE, it is COSE's contention that it should be permitted to intervene because it represents a different customer segment and energy rate class with separate constraints than those having commented to date. Small business makes up 75% of Ohio's economy.

COSE, a certified Competitive Retail Electric Service Provider started a group electric aggregation program for our members in early 2001. Since that time, we have enrolled more than 1700 electric accounts and are saving our members more than \$1 million annually on their electricity costs. In addition, we provide a variety of informational and educational resources to help small businesses better understand today's deregulated energy market to all of our 17,000 members in Northeast Ohio. The COSE Electric Program serves members within the First Energy service territory.

In the above-captioned proceeding, Ohio Edison, the Cleveland Electric Illuminating Company, and the Toledo Edison Company (collectively "First Energy") are proposing to establish a competitive bidding process to procure supply for the provision of Standard Service Offer electric generation service to retail electric customers who do not purchase electric service from a competitive retail supplier beginning January 1, 2009. We do not believe that other participants in this proceeding represent the unique needs of the small users in Ohio. Therefore, we believe that without our comments the Commission could not adequately make a decision.

For the reasons discussed herein, COSE respectfully requests that the Commission grant its intervention 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,



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Steve Millard  
Executive Director  
The Council of Smaller Enterprises  
The Higbee Building  
100 Public Square, Suite 210  
Cleveland, OH 44113  
Telephone: (216) 592-2436  
Facsimile: (216) 621-1827