

**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)	Case No. 08-936-EL-SSO
Approval of a Market Rate Offer to)	
Conduct a Competitive Bidding)	
Process for Standard Service Offer)	
Electric Generation Supply,)	
Accounting Modifications Associated)	
With Reconciliation Mechanism, and)	
Tariffs for Generation Service.)	

**MOTION TO INTERVENE OF
THE NATIONAL ENERGY MARKETERS ASSOCIATION**

Now comes the National Energy Marketers Association (“NEM”) pursuant to Section 4903.221, Revised Code and Rule 4901-1-11 of the Ohio Administrative Code (“OAC”), and moves for intervention in the above styled docket as a full party of record. NEM has a real and substantial interest in this matter for the reasons set forth in the accompanying memorandum in support.

WHEREFORE, for the reasons stated below, NEM requests that its motion for intervention be granted and that it be made a full party of record.

Respectfully Submitted,

/s/ S. Howard as per telephone authorization
Craig G. Goodman, Esq.
President
National Energy Marketers Association
3333 K. Street, N.W., Suite 110
Washington, D.C. 20007
Tel. (202) 333-3288
Fax (202) 333-3266
Email: cgoodman@energymarketers.com

Attorney for National Energy
Marketers Association

**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)	Case No. 08-936-EL-SSO
Approval of a Market Rate Offer to)	
Conduct a Competitive Bidding)	
Process for Standard Service Offer)	
Electric Generation Supply,)	
Accounting Modifications Associated)	
With Reconciliation Mechanism, and)	
Tariffs for Generation Service.)	

MEMORANDUM IN SUPPORT

On July 31, 2008, Ohio Edison Company, The Cleveland Electric Illuminating Company and The Toledo Edison Company (hereinafter "FirstEnergy") filed an application to establish a standard service offer in the form of a market rate offer pursuant to Section 4928.142, Revised Code. NEM participated in previous FirstEnergy rate restructuring proceedings and the continued ability of NEM's members to participate in the restructured electric market in the FirstEnergy service territory will be affected by the outcome of the instant case.

I. NEM SHOULD BE GRANTED INTERVENTION AS A PARTY OF RECORD

Pursuant to Section 4903.221, Revised Code and Rule 4901-1-11 of the Ohio Administrative Code ("OAC"), NEM moves for intervention in the above styled docket as a full party of record. NEM has a real and substantial interest in this matter for the reasons set forth herein.

Rule 4901-1-11 of the OAC states in part:

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.

Among the factors to be considered are the nature of the intervenor's interests, the extent those interests are represented by existing parties, the intervenor's potential contribution to a just and expeditious resolution of the issues involved, and whether intervention would result in an undue delay of the proceeding. *Id.* See also R.C. 4903.221(B). A review of these factors in light of following facts requires NEM's intervention.

The National Energy Marketers Association (NEM) is a national, non-profit trade association representing leading retail suppliers of natural gas, electricity as well as energy, telecom and financial related products, services, information and advanced technologies to millions of homeowners, small businesses and large industrial consumers throughout the United States, Canada and the European Union. NEM's membership includes wholesale energy suppliers, independent power producers, suppliers of distributed generation, energy brokers, power traders, global commodity exchanges, demand side and load management firms, direct marketing organizations, customer service and related information technology providers. NEM members also include inventors, patent holders, systems integrators, and developers of advanced metering, solar, fuel cell, lighting and power line technologies. NEM members are committed to helping federal and state lawmakers and regulators to implement a consumer-focused, value-driven transition to a transparent, reliable, price and technology competitive retail

marketplace for energy-related products, services, information and innovative electrical applications and technologies.

NEM, as a representative of a regionally diverse group of providers of energy and energy-related services, has an interest to advocate the implementation of rates, tariffs, operating procedures, standards of conduct, rules, and policies that will ensure the development and maintenance of an efficient, reliable and price competitive electric market on FirstEnergy's system and in Ohio generally. As electric marketers and providers of energy-related services and technologies, various NEM members are serving and intend to serve customers in the Ohio electric market, including the residential, commercial, and industrial customer segments in all of the utilities' service territories. The ability of NEM's members to fairly compete in the restructured electric industry and thus bring the benefits of additional competition to Ohio electric consumers will be affected by the outcome of this proceeding.

NEM, as a participant in restructuring proceedings nationwide, will be able to bring a broad perspective to the deliberative process, and its participation in this proceeding should aid the Commission by enhancing the quality of the record to be developed here. NEM can lend a unique perspective to this proceeding because its membership represents a diverse cross-section of market participants.

Even if other trade associations or individual marketers seek to intervene in this matter, NEM's interests and position are significant and unique given its industry diversity, its interest in serving Ohio's commercial, industrial, and residential customers, plus its current and early participation in restructuring in Ohio and other multiple jurisdictions on similar issues, and the substantial business interests of its members in the development of

a viable electric market in Ohio. Thus, NEM's participation in these proceedings will not cause undue delay, will not unjustly prejudice any existing party, and will contribute to the just and quick resolution of the issues and concerns raised in these proceedings.

As such, NEM and its members have a real and substantial interest in this proceeding that cannot be adequately represented or protected by any other party hereto. Under all these circumstances, then, NEM submits that good cause exists to grant it leave to intervene in this proceeding.

II. Conclusion

WHEREFORE, for the reasons stated above, NEM requests that its motion for intervention be granted and that it be made a full party of record.

Respectfully submitted,

/s/By S. Howard as per telephone authorization
Craig G. Goodman, Esq.
National Energy Marketers Association
3333 K Street, NW, Suite 110
Washington, DC 20007
Tel: (202) 333-3288
Fax: (202) 333-3266
Email: cgoodman@energymarketers.com
Web site: www.energymarketers.com

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of the foregoing document was served this 28th day of August, 2008 by regular U.S. mail, postage prepaid, or by electronic mail, upon the persons listed below.

/s/
Stephen M. Howard

Arthur Korkosz / James Burk
Mark Hayden / Ebony Miller
First Energy
76 South Main Street, 18th Floor
Akron, OH 44308-1890
korkosza@firstenergycorp.com
burkj@firstenergycorp.com
haydenm@firstenergycorp.com
elmiller@firstenergycorp.com

Joseph Clark
McNees, Wallace & Nurick
21 East State Street, 17th Floor
Columbus, OH 43215
jclark@mwncmh.com

Brian Ballenger
Ballenger & Moore Co., LPA
3401 Woodville Road, Suite C
Toledo, OH 43619
ballengerlawbjb@sbcglobal.net

Garrett Stone
Brickfield Burchette Ritts & Stone
1025 Thomas Jefferson Street N.W.
8th Floor West Tower
Washington DC 20007
gas@bbrslaw.com

David Rinebolt
Ohio Partners for Affordable Energy
231 W. Lima Street
Findlay, OH 45839-1793
drinebolt@aol.com

Lance M. Keiffer
Lucas County/NOAC
711 Adams Street, Second Floor
Toledo, OH 43264-1680
lkeiffer@co.lucas.oh.us

David Boehm
Boehm, Kurtz & Lowry
36 East Seventh Street, Suite 1510
Cincinnati, OH 45202-4454
dboehm@bkllawfirm.com

Sheilah McAdams
City of Maumee
204 W. Wayne Street
Maumee, OH 43537
sheilahmc@aol.com

Matthew S. White
Chester, Wilcox & Saxbe
65 E. State Street, Suite 1000
Columbus, OH 43215
mwhite@cwslaw.com

Jeffrey Small
Office of Ohio Consumers' Counsel
10 West Broad Street, Suite 1800
Columbus, OH 43215-3485
small@occ.state.oh.us
roberts@occ.state.oh.us
reese@occ.state.oh.us
poulos@occ.state.oh.us

Leslie A. Kovacik
City of Toledo/NOAC
420 Madison Avenue, 4th Floor
Toledo, OH 43604
leslie.kovacik@toledo.oh.gov

David I. Fein
Cynthia A. Fonner
Constellation Energy Group, Inc.
550 West Washington, Blvd., Suite 300
Chicago, IL 60661
david.fein@constellation.com
cynthia.a.fonner@constellation.com

Nolan Moser
Air & Energy Program Manager
The Ohio Environmental Council
1207 Grandview Avenue, Suite 201
Columbus, OH 43212-3449
nolan@theOEC.org

Richard L. Sites
Ohio Hospital Association
155 E. Broad Street
Columbus, OH 43215
ricks@ohanet.org

Barth E. Royer
Bell & Royer, Co. LPA
33 South Grant Avenue
Columbus, OH 43215-3927
barthroyer@aol.com

Henry Eckhart
50 W. Broad Street, Suite 2117
Columbus, OH 43215-3301
henryeckhart@aol.com

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

8/28/2008 4:31:16 PM

in

Case No(s). 08-0936-EL-SSO

Summary: Motion Motion to Intervene electronically filed by Stephen M Howard on behalf of National Energy Marketers Association