

FILE

RECEIVED-DOCKETING DIV
2008 SEP -4 PM 3:31
PUCO

BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of Ohio) Case No. 08-935-EL-SSO
Edison Company, the Cleveland Electric)
Illuminating Company and the Toledo Edison)
Company for Authority to Establish a Standard)
Service Offer Pursuant to ORC Section)
4920.143 in the Form of an Electric Security)
Plan)

In the Matter of the Application of Ohio) Case No. 08-936-EL-SSO
Edison Company, the Cleveland Electric)
Illuminating Company and the Toledo Edison)
Company for Approval of a Market Rate Offer)
to Conduct a Competitive Bidding Process for)
Standard Service, Offer Electric General)
Supply, Accounting Modifications Associated)
with Reconciliation Mechanism and Tariffs for)
Generation Service)

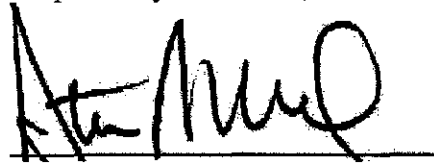
MOTION TO INTERVENE
OF
THE COUNCIL OF SMALLER ENTERPRISES (COSE)

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.

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
Technician 76 Date Processed 9-4-08

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

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Steve Millard", written over a horizontal line.

Steve Millard
President and Executive Director
The Council on Small Enterprises
The Higbee Building
100 Public Square, Suite 201
Cleveland, OH 44113
Telephone: (216) 592-2436
Facsimile: 9216) 621-1827
smillard@cose.org

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 Establish a Standard Service Offer Pursuant to ORC Section 4920.143 in the Form of an Electric Security Plan)	Case No. 08-935-EL-SSO
)	
)	
)	
)	
)	

In the Matter of the Application of Ohio Edison Company, the Cleveland Electric Illuminating Company and the Toledo Edison Company for Approval of a Market Rate Offer to Conduct a Competitive Bidding Process for Standard Service, Offer Electric General Supply, Accounting Modifications Associated with Reconciliation Mechanism and Tariffs for Generation Service)	Case No. 08-936-EL-SSO
)	
)	
)	
)	
)	
)	

COSE's MEMORANDUM IN SUPPORT OF MOTION TO INTERVENE

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.

I. Background

The Council of Smaller Enterprises ("COSE"), Northeast Ohio's largest small business support organization, strives to help small businesses grow and maintain their independence. Comprised of more than 17,000 member companies, COSE has a long history of fighting for the rights of all small business owners, whether it's through group purchasing programs in healthcare, workers' compensation, payroll services, shipping, or advocating for specific changes

in legislation or regulation. COSE also produces more than 100 networking and business education events each year - all focused on connecting our members to each other to increase their ability to succeed.

COSE, a certified Competitive Retail Electric Service Provider, started a group electric aggregation program for our members in 1999. 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 energy market to all of our 17,000 members in Northeast Ohio. The COSE Electric Program serves members within the FirstEnergy service territory.

On July 31, 2008, the Ohio Edison Company, The Cleveland Electric Illuminating Company and the Toledo Edison Company (FirstEnergy) filed an application to establish a standard service offer in the form of an electric security plan pursuant to Section 4928.143 of the Ohio Revised Code. These filings were completed pursuant to the provisions outlined in Amended Substitute Senate Bill 221. COSE's entire membership and its aggregation program in particular will be greatly impacted by these proceedings.

II. Legal Standard

For purposes of considering a request 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 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 intervenor's interest;
- (2) The legal position advanced by the prospective intervenor and its probable relation to the merits of the case;
- (3) Whether the intervention by the prospective intervenor will unduly prolong or delay the proceedings;
- (4) Whether the prospective intervenor 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.

III. Argument

COSE clearly meets the requirements for intervention as outlined above. COSE's ability to continue offering small businesses energy-related cost-savings through the electric program is dependent upon this proceeding. Without appropriate consideration of small commercial users, small businesses will be faced with higher energy costs that could prove a hazard for their business.

As stated, COSE is an active electric aggregator in Northeast Ohio and takes into consideration the special needs and unique circumstances of small businesses in the region. The proposals in this case will impact the ability for COSE to continue offering an electric program to its members. Therefore, COSE has a real and substantial interest in this manner.

As a true representative of small businesses, COSE's knowledge will assist the Commission in considering the issues in this case and, accordingly, COSE's participation will positively contribute to the full development and equitable resolution of the issues as they relate to small commercial customers. No other party is able to adequately represent the needs of these customers. Accordingly, COSE welcomes the ability to share their program experiences and

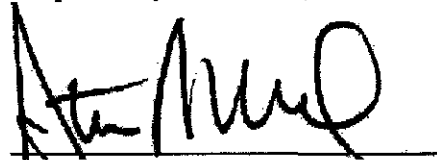
unique small business perspectives with the Commission as it works with the utility and others to develop effective outcomes for this case.

COSE's participation will not result in undue delay nor will it unjustly prejudice any existing party. Therefore, given the diverse and unique energy needs of its members, and in order to protect the interests of small commercial customers in the state, COSE states that it has a direct, real and substantial interest in the issues in this matter, which can only be protected by its participation.

IV. Conclusion

For the reasons discussed herein, COSE respectfully requests that the Commission grant its Motion to Intervene with the full powers, rights and privileges granted by the Commission, by statute and by the provisions of the Ohio Administrative Code, to intervening parties.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Steve Millard", written over a horizontal line.

Steve Millard
President and Executive Director
The Council on Small Enterprises
The Higbee Building
100 Public Square, Suite 201
Cleveland, OH 44113
Telephone: (216) 592-2436
Facsimile: (216) 621-1827
smillard@cose.org

CERTIFICATE OF SERVICE

A copy of the foregoing Motion to Intervene of The Council of Smaller Enterprises (COSE) has been forwarded by regular U.S. Mail, postage prepaid, this ____ day of September, 2008, to:

City of Akron
1666 S. High St. Room 200
Akron, OH 44308

Arthur Korkosz
First Energy, Senior Attorney
76 South Main Street, Legal Dept. 18th Fl.
Akron, OH 44308-1890

Attorney for Cleveland Electric Illuminating Co.

James Burk
Firstenergy Service Company
76 South Main Street
Akron, OH 44308

Mark A. Hayden
Firstenergy Corp.
76 South Main Street
Akron Ohio 44308

Attorney for Ohio Edison Company

Attorney for Toledo Edison Company

Howard Petricoff
Vorys, Sater, Seymour and Pease LLP
52 E. Gay Street
Columbus, OH 43215

David Boehm
Boehm, Kurtz & Lowry
36 East Seventh Street, Ste. 1510
Cincinnati, OH 45202

Laura McBride
Calfee Halter & Griswold LLP
1400 Keybank Center
800 Superior Avenue
Cleveland, OH 44114

Jacqueline Roberts
Ohio Consumers' Counsel
10 West Broad Street, Suite 1800
Columbus, OH 43215

David A. Muntean
161 South High Street, Suite 202
Akron, OH 44308

Andrew J. Campbell
Jones Day
325 John H. McConnell Blvd., Ste. 600
Columbus, Ohio 43215

Kevin Schmidt
33 North High Street
Columbus, OH 43215

Trevor Alexander
Calfee Halter 7 Griswold LLP
1400 Keybank Center, 800 Superior Ave.
Cleveland, OH 44114

Gary Reese
Dir of Environmental Service
Memorial Hospital of Union County
Marysville, OH 43040

Max Rothal, Director of Law
161 South High Street, Ste. 202
Akron, OH 44308

Gregory J. Poulos
Ohio Consumers' Counsel
10 West Broad St., Ste. 1800
Columbus, OH 43215

Nolan Moser
1207 Grandview Ave., Ste. 201
Columbus, OH 43212

Mark A. Whitt
Jones Day
P.O. Box 16517
325 John H. McConnell Blvd.
Suite 600
Columbus, OH 43216

Brett E. Breitschwerdt
Bricker & Eckler LLP
100 South Third Street
Columbus, OH 43215

Langdon D. Bell
Bell & Royer Co., LPA
33 South Grant Ave.
Columbus, OH 43215

Samuel C. Randazzo
McNees Wallace & Nurick
21 East State St. 17th Floor
Columbus, OH 43215

Sean W. Vollman
161 S. High Street, Ste. 202
Akron, OH 44308

Ebony L. Miller
Firstenergy Corp.
76 South Main St.
Akron, OH 44308

James Lang
Calfee, Halter & Griswold LLP
1400 McDonald Investment Center
800 Superior Avenue
Cleveland, OH 44114

Cynthia A. Fonner
Constellation Energy Group, Inc.
550 W. Washington St., Suite 300
Chicago, IL 60661

Stephen M. Howard
Vorys, Sater Seymour and Pease LLP
52 East Gay Street
P.O. Box 1008
Columbus, OH 43216

Lisa McAlister
Mcnees, Wallace & Nurik
21 East State Street, 17th Floor
Columbus, OH 43215

Daniel J. Neilsen
McNees Wallace & Nurick LLC
Fifth Third Center, 17th Fl.
21 East State Street
Columbus, OH 43215

Joseph Clark
McNees Wallace & Nurick LLC
21 East State St. 17th Fl.
Columbus, OH 43215

Attorney Industrial Energy Users of Ohio

Sheilah McAdams
City of Maumee
204 W. Wayne Street
Maumee, OH 43537

Attorney for City of Maumee

City of Oregon
Paul Goldberg
5330 Seaman Road
Oregon, OH 43616

City of Toledo
Suite 2250 One Government Center
Toledo, OH 43604

M. Petricoff
Vorys, Sater, Seymour & Pease
52 E. Gay Street
P.O. Box 1008
Columbus, OH 43216

Attorney for Constellation Newenergy, Inc.

Barth E. Royer
Bell & Royer Co LPA
33 South Grant Avenue
Columbus, OH 43215

Attorney for Dominion Retail, Inc.

Matthew S. White
Chester Wilcox & Saxbe LLP
65 East State Street, Ste. 1000
Columbus, OH 43215

Attorney for Kroger Company

Brian J. Ballenger
Ballenger & Moore Co., L.P.A.
3401 Woodville Road, Ste. C
Toledo, OH 43619

Attorney for City of Northwood

City of Sylvania
James E. Moan
4930 Holland-Sylvania Road
Sylvania, OH 43560

Constellation Energy Commodities, Group,
Inc. VP Regulatory Affairs
John Orr
111 Market Place, 5th FL
Baltimore, MD 21202

Howard Petricoff
Vorys, Sater, Seymour & Pease
52 E. Gay Street
P.O. Box 1008
Columbus, OH 43216

Attorney for Direct Energy Services, Inc.

Integrays Energy Services, Inc.
Bobby Singh
300 West Wilson Bridge Road, Ste. 350
Worthington, OH 43085

Lake Township
Thomas Hayss, Solicitor
3315 Centennial Rd., Ste. A-2
Sylvania, OH 43560

Lucas County Commissioners
Lance Keiffer
2nd Floor 711 Adams
Toledo, OH 43624

Craig Goodman
National Energy Marketers Assoc.
3333 K. Street, N.W. Ste. 110
Washington DC 20007

Attorney for National Energy Marketers Assoc.

Henry Eckhart
Attorney at Law
50 West Broad Street, Ste. 2117
Columbus, OH 43215

Glenn Krassen
Bricker, Eckler LLP
1375 E. Ninth Street, Ste. 1500
Cleveland, OH 44114

*Attorney for Natural Resources Defense
Council*

*Attorney for Northeast Ohio Public Energy
Council*

Northwest Ohio Aggregation Coalition
One Government Center, Ste. 2250
Toledo, OH 43604

Garrett A. Stone
Brickfield, Burchette, Ritts & Stone, P.C.
1025 Thomas Jefferson Street N.W. 8th
Floor, West Tower
Washington, DC 20007

Attorney for Nucor Steel Marion, Inc.

Jeffrey Small
Ohio Consumers' Counsel
10 West Broad Street, Ste. 1800
Columbus, OH 43215

David Boehm
Boehm, Kurtz & Lowry
36 E. 7th St., Ste. 1510
Cincinnati, OH 45202

Attorney for Ohio Consumers Counsel

Attorney for Ohio Energy Group, Inc.

Larry Gearhardt
Ohio Farm Bureau Federation, Inc.
280 N. High Street
P.O. Box 479
Columbus, OH 43216

Ohio Hospital Association
Richard L. Sites
155 E. Broad Street 15th Fl.
Columbus, OH 43215

*Attorneys for Ohio Farm Bureau Federation,
Inc.*

Ohio Manufacturers Assn
33 N. High Street
Columbus, OH 43215

David C. Rinebolt
Ohio Partners for Affordable Energy
231 W. Lima Street
Findlay, OH 45839

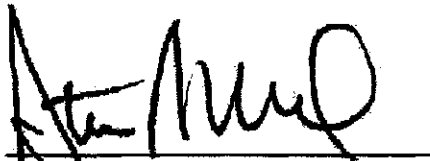
*Attorney for Ohio Partners for Affordable
Energy*

Henry Eckhart
50 West Broad Street, Ste. 2117
Columbus, OH 43215

Village of Holland
Paul Skaff, Assistant VI
353 Elm Street
Perrysburg, OH 43551

Attorney for Sierra Club Ohio Chapter

The Ohio Environmental Council
1207 Grandview Ave. Ste. 201
Columbus, OH 43212

A handwritten signature in black ink, appearing to read 'Steve Millard', written over a horizontal line.

Steve Millard
President and Executive Director
The Council on Small Enterprises