

FILE

BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

RECEIVED-DOCKETING
2008 SEP -5 AM 11:55
PUCO

In the Matter of the Application of the Ohio)
Edison Company, The Cleveland Electric)
Illuminating Company, and The Toledo) Case No. 08-0936-EL-SSO
Edison Company, for Authority to)
Establish a Standard Service Offer)
Pursuant to R.C. § 4928.142 in the Form)
of a Market Rate Option)
)

**MOTION FOR LEAVE TO INTERVENE OF
INTEGRYS ENERGY SERVICES, INC.**

Now comes Integrys Energy Services, Inc. ("Integrys"), who, pursuant to Section 4903.221, Revised Code and Rule 4901-1-11 of the Ohio Administrative Code, moves for intervention in the above styled proceeding as a full party of record. The reasons supporting the intervention are contained in the accompanying Memorandum in Support.

WHEREFORE, Integrys Energy Services, Inc. respectfully requests that the Commission grant its motion for leave to intervene and that it be made a full party of record.

Respectfully submitted,

//s//

M. Howard Petricoff (0008287)
Stephen M. Howard (0022421)
VORYS, SATER, SEYMOUR AND PEASE LLP
52 East Gay Street
P. O. Box 1008
Columbus, Ohio 43216-1008
Tel. (614) 464-5414
Fax (614) 464-6350
E-mail: mhpetricoff@vorys.com

Attorneys for Integrys Energy Services, Inc.

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 JO Date Processed 9-5-08

//s/

Bobby Singh
Integrys Energy Services, Inc.
300 West Wilson Bridge Road, Suite 350
Worthington OH 43085
Tel. (614) 844-4340
Fax (614) 844-4306
E-mail: bsingh@integrysenergy.com

In-House Counsel for Integrys Energy Services, Inc.

**MEMORANDUM IN SUPPORT OF
THE MOTION TO INTERVENE OF
INTEGRYS ENERGY SERVICES, INC.**

Section 4903.221, Revised Code and Rule 4901-1-11 of the Ohio Administrative Code, establish the standard for intervention in the above-styled proceeding as a full party of record.

Rule 4901-1-11 of the Ohio Administrative Code 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.

In addition to establishment of a direct interest, the factors that the Public Utilities Commission of Ohio (the "Commission") considers in implementing the above rule are the nature of the intervenor's interest, the extent that interest is 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. (See also R.C. 4903.221(B) upon which the above rule is authorized). A review of these factors in light of following facts supports granting IntegrYS' intervention.

IntegrYS Energy Services, Inc. ("IntegrYS") provides electricity and energy-related services to retail customers in Ohio as well as in several other states. IntegrYS holds Certificate No. 00-013(4) as a competitive retail electric supplier ("CRES") from the Commission to engage in the competitive sale of electric service to retail customers in Ohio. It currently provides service to retail electric customers in Ohio.

In the instant matter, Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company (collectively, "FirstEnergy") filed an application (the "Application") for authority to establish a Standard Service Offer in the form of an Electric Security Plan pursuant to R.C. § 4928.143 to be effective on January 1, 2009.

Integrus is an active competitive retail electric service provider in Ohio who is authorized to make retail sales in the FirstEnergy service area. As a supplier of electric power and energy in the State, Integrus has an interest in the instant proceeding as the Commission assesses whether the Application is consistent with Senate Bill 221, which became law effective July 31, 2008. The Commission will make other decisions that will affect the viability of the competitive electric market in Ohio in which Integrus is a supplier of electric power and energy to retail customers. The proposals in this case will affect the dynamics of competition and customer choices in FirstEnergy's service territory. If adopted, these proposals will have consequences on Integrus' operations and business interests. Therefore, Integrus has a real and substantial interest in this matter.

Integrus is an experienced, competitive retail electric service provider in Ohio, as well as an experienced operator in several other states. Integrus' experience and knowledge will assist the Commission in considering the issues in this case and therefore, Integrus' participation will contribute to the full development and equitable resolution of the issues. No other party can adequately represent Integrus' interests. Integrus' participation will not unduly delay or unjustly prejudice any existing party. The intervention is being offered in advance of any intervention deadline and thus is timely.

For the above-discussed reasons, Integrus has a direct, real, and substantial interest in the issues in this matter, which can only be protected by its participation.

WHEREFORE, Integrys Energy Services, Inc. respectfully requests that the Commission grant its motion for leave to intervene and that it be made a full party of record.

Respectfully submitted,

//s//

M. Howard Petricoff (0008287)
Stephen M. Howard (0022421)
VORYS, SATER, SEYMOUR AND PEASE LLP
52 East Gay Street
P. O. Box 1008
Columbus, Ohio 43216-1008
Tel. (614) 464-5414
Fax (614) 464-6350
E-mail: mhpetricoff@vorys.com

Attorneys for Integrys Energy Services, Inc.

//s/

Bobby Singh
Integrys Energy Services, Inc.
300 West Wilson Bridge Road, Suite 350
Worthington OH 43085
Tel. (614) 844-4340
Fax (614) 844-4306
E-mail: bsingh@integrysenergy.com

In-House Counsel for Integrys Energy Services, Inc.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of the foregoing documents was served this 29th day of August, 2008 by regular U.S. mail, postage prepaid, or by electronic mail, upon the persons listed below.

//s//

M. Howard Petricoff

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

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

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

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

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

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