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January 12, 2009

Public Utilities Commission of Ohio
Docketing Division
180 East Broad Street
Columbus, Ohio 43215-3793

Re: In the Matter of the Application of Ohio Edison Company, The Cleveland
Electric Illuminating Company and The Toledo Edison Company for Approval
of Rider FUEL and Related Accounting Authority
Case No. 09-21-EL-ATA, Case No. 09-22-EL-AEM, and Case No.
09-23-EL-AAM

To Whom It May Concern:

Attached please find the original and fifteen (15) copies of the *Motion To Intervene By Citizen Power, Inc.* in the above-referenced proceedings.

Sincerely,



Theodore S. Robinson
Citizen Power
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Pittsburgh, PA 15217
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**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Ohio)	
Edison Company, The Cleveland Electric)	Case No. 09-21-EL-ATA
Illuminating Company and The Toledo)	Case No. 09-22-EL-AEM
Edison Company for Approval of Rider)	Case No. 09-23-EL-AAM
FUEL and Related Accounting Authority)	

MOTION TO INTERVENE BY CITIZEN POWER, INC.

Citizen Power respectfully submits that it should be permitted to intervene in these matters according to R.C. 4903.221 and the Commission's Rules and Regulations contained in Section 4901-1-11 of the Ohio Administrative Code where an application by Ohio Edison Company, the Cleveland Electric Illuminating Company, and the Toledo Edison Company (collectively, "FirstEnergy" or "Companies") for the approval of their proposed Rider FUEL would result in rate increases for their low-income customers. Moreover, Citizen Power should be permitted to intervene 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.

Citizen Power, Inc. is a not-for-profit research, education and advocacy

organization (i.e. under Section 501 (c) (3) of the U. S. Internal Revenue Code), with offices in Ohio (at 2424 Dock Road, Madison, Ohio 44057), and Pennsylvania (at 2121 Murray Avenue, Pittsburgh, Pennsylvania 15217). Citizen Power has established an Energy Education Project with the primary mission of promoting energy policies that protect the environment and low-income customers. David Hughes is the Executive Director of Citizen Power, Kelli O'Neill and Ronald O'Connell are Directors of Citizen Power, and each is a customer of The Cleveland Electric Illuminating Company, an operating company of FirstEnergy.

Citizen Power has a long history of involvement in electric regulatory matters. In the period from 1986 through 1989, Citizen Power, then known as "Concerned Citizens," intervened at the Commission in the Perry 1 and Beaver Valley 2 investigations concerning the prudence of the construction costs for the two nuclear power plants, and the case concerning the base rates of Cleveland Electric Illuminating Company. Citizen Power also intervened before the FERC in the FirstEnergy merger case (Docket No. ER 97-413). Furthermore, Citizen Power was granted intervention and actively participated in the FirstEnergy Transition Case before this Commission (Case Nos. 99-1212-EL-ETP, 99-1213-EL-ETP, and 99-1214-EL-ETP). Citizen Power is currently participating in the FirstEnergy ESP and MRO Cases before this Commission (Case Nos. 08-935-EL-SSO and 08-936-EL-SSO).

Citizen Power has a direct, real, and substantial interest in this proceeding. The above-captioned proceeding will directly affect the affordability of electricity for low-income customers. As part of its mission, Citizen Power has advocated for affordable energy in multiple regulatory and legal proceedings. Thus, the interests of Citizen Power

may be "adversely affected" by these proceedings, satisfying the intervention standard in R.C. 4903.221.

Citizen Power also meets the standard for intervention under R.C. 4903.221(B), which provides that the Commission shall consider in ruling on an intervention application:

- (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 proceeding; and
- (4) Whether the prospective intervenor will significantly contribute to the full development and equitable resolution of the factual issues.

First, as evidenced above, the nature and extent of Citizen Power's interest in these proceedings are substantial. This application, if approved, will increase the rates paid by low-income customers of the Companies. Second, Citizen Power's legal positions include, but are not limited to, that the rates paid by residential customers, including low-income customers, should be fair and reasonable. Third, since the proceeding has just started, granting Citizen Power's motion to intervene will not unduly prolong or delay the proceeding. Fourth, Citizen Power will contribute to the just, equitable, and expeditious resolution of the issues that are raised in these proceedings.

Citizen Power also meets the standard for intervention under Section 4901-1-11(B)(1)-(4) of the Ohio Administration Code, which is almost identical to the criteria under R.C. 4903.221(B). Ohio Adm. Code 4901-1-11(B)(5) states that the Commission shall consider the "extent to which the person's interest is represented by existing parties." While Citizen Power does not concede the lawfulness of this factor, Citizen

Power satisfies this criterion in that it is specifically concerned about the impacts of the Companies proposed Rider FUEL upon their low-income customers.

For the reasons stated above, Citizen Power requests the Commission grant Citizen Power's motion to intervene.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing *Motion to Intervene by Citizen Power, Inc.* served on the persons stated below, via First Class U.S. Mail, postage prepaid, this 12th day of January, 2009.



Theodore S. Robinson, Esq.

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