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BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

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In the Matter of the Energy Efficiency)
And Peak Demand Reduction Program)
Of Ohio Edison Company, The)
Cleveland Electric Illuminating Company)
and The Toledo Edison Company .)

Case No. 09-535-EL-EEC 0
09-536-EL-EEC
09-537-EL-EEC

**MOTION OF
OHIO PARTNERS FOR AFFORDABLE ENERGY
TO INTERVENE, MEMORANDUM IN SUPPORT
AND MOTION TO PRACTICE PRO HAC VICE BEFORE THE
COMMISSION**

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July 14, 2009

**Counsel for Ohio Partners for
Affordable Energy**

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THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Energy Efficiency)	
And Peak Demand Reduction Program)	Case No. 09-535-EL-EEC
Of Ohio Edison Company, The)	09-536-EL-EEC
Cleveland Electric Illuminating Company))	09-537-EL-EEC
and The Toledo Edison Company .)	

MOTION TO INTERVENE

Ohio Partners for Affordable Energy ("OPAE") hereby respectfully moves the Public Utilities Commission of Ohio ("Commission") for leave to intervene in the above-captioned matter pursuant to R.C. §4903.221 and Section 4901-1-11 of the Commission's Code of Rules and Regulations, with full powers and rights granted by the Commission specifically, by statute or by the provisions of the Commission's Code of Rules and Regulations to intervening parties. The reasons for granting this motion are contained in the memorandum attached hereto and incorporated herein.

Respectfully submitted,



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**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Energy Efficiency)	
And Peak Demand Reduction Program)	Case No. 09-535-EL-EEC
Of Ohio Edison Company, The)	09-536-EL-EEC
Cleveland Electric Illuminating Company))	09-537-EL-EEC
and The Toledo Edison Company .)	

MEMORANDUM IN SUPPORT OF MOTION TO INTERVENE

Ohio Partners for Affordable Energy ("OPAE") should be permitted to intervene in this matter pursuant to Section 4903.22.1, Revised Code, and the Commission's Rules and Regulations contained in Rule 4901-1-11 of the Ohio Administrative Code. The above-referenced application made by Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company, all subsidiary companies of FirstEnergy ("FirstEnergy"), requests approval of an experimental critical peak pricing rider, a revised generation service rider including a time of day option, and an experimental real time pricing rider.

In determining whether to permit intervention, the following criteria are to be considered: the nature of the person's interest; the extent to which that interest is represented by existing parties; the person's potential contribution to the just and expeditious resolution of the proceeding; and, whether granting the intervention will unduly delay or unjustly prejudice any existing party. OPAE meets all four criteria for intervention in this proceeding.

OPAE is an Ohio corporation with a stated purpose of advocating for affordable energy policies for low and moderate income Ohioans. Additionally, OPAE includes as members non-profit organizations located in FirstEnergy's service territories. As such, OPAE has a real and substantial interest in this proceeding. OPAE members advocate on behalf of FirstEnergy's low- and

moderate-income customers. OPAE members also manage bill payment assistance programs to ensure access to essential utility services and provide weatherization and energy efficiency services to low income customers of FirstEnergy. OPAE members are also ratepayers of FirstEnergy. Moreover, many of OPAE's members are community action agencies. Under the federal legislation authorizing the creation and funding of these agencies, originally known as the Economic Opportunity Act of 1964, community action is charged with advocating for low-income residents of its communities.¹

OPAE's primary interests in this case are to protect FirstEnergy's low and moderate-income customers from unjust and unreasonable generation rates and to prevent any cost shifting to low and moderate-income customers. OPAE also

¹ See 42 U.S.C. 672:

The purposes of this subtitle are--

(1) to provide assistance to States and local communities, working through a network of community action agencies and other neighborhood-based organizations, for the reduction of poverty, the revitalization of low-income communities, and the empowerment of low-income families and individuals in rural and urban areas to become fully self-sufficient (particularly families who are attempting to transition off a State program carried out under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.)); and

(2) to accomplish the goals described in paragraph (1) through--

(A) the strengthening of community capabilities for planning and coordinating the use of a broad range of Federal, State, local, and other assistance (including private resources) related to the elimination of poverty, so that this assistance can be used in a manner responsive to local needs and conditions;

(B) the organization of a range of services related to the needs of low-income families and individuals, so that these services may have a measurable and potentially major impact on the causes of poverty in the community and may help the families and individuals to achieve self-sufficiency;

(C) the greater use of innovative and effective community-based approaches to attacking the causes and effects of poverty and of community breakdown;

(D) the maximum participation of residents of the low-income communities and members of the groups served by programs assisted through the block grants made under this subtitle to empower such residents and members to respond to the unique problems and needs within their communities; and

(E) the broadening of the resource base of programs directed to the elimination of poverty so as to secure a more active role in the provision of services for--

(i) private, religious, charitable, and neighborhood-based organizations; and

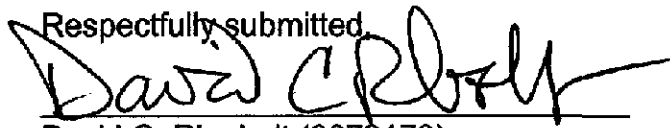
(ii) individual citizens, and business, labor, and professional groups, who are able to influence the quantity and quality of opportunities and services for the poor.

intends to address any other issues that may arise during consideration of this matter.

For the above reasons, OPAE has a direct, real and substantial interest in this proceeding. The disposition of this proceeding may impair or impede the ability of OPAE to protect its interests. No other party to the proceeding will adequately represent the interests of OPAE. OPAE is a rare organization that serves as an advocate, service provider and nonprofit customer group. No other party represents this group of interests. OPAE's participation in this proceeding will not cause undue delay, will not unjustly prejudice any existing party, and will contribute to the just and expeditious resolution of the issues and concerns raised in this proceeding.

Therefore, OPAE is entitled to intervene in this proceeding with the full powers and rights granted by statute and by the provisions of the Commission's Codes of Rules and Regulations to intervening parties.

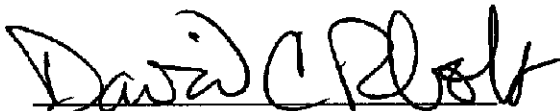
Respectfully submitted



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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion to Intervene and Memorandum of Support and the attached Motion to Admit *Pro Hac Vice* was served by regular U.S. Mail upon the parties of record identified below in this case on this 14 th day of July 2009.

A handwritten signature in black ink, appearing to read "David C. Rinebolt". The signature is written in a cursive style with a horizontal line underneath the name.

David C. Rinebolt, Esq.
**Counsel for Ohio Partners for
Affordable Energy**

PARTIES OF RECORD

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**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of)
Ohio Edison Company, The Cleveland)
Electric Illuminating Company and The) Case No. 09-541-EL-ATA
Toledo Edison Company for Approval)
of an Experimental Critical Peak Pricing)
Rider, a Revised Generation Service)
Rider which includes a Time-of-Day)
Option, and an Experimental Real Time)
Pricing Rider.

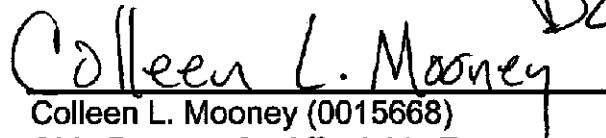
**MOTION TO ADMIT DAVID C. RINEBOLT TO PRACTICE
PRO HAC VICE BEFORE THE COMMISSION**

Pursuant to Rule 4901-1-08(B) of the Ohio Administrative Code, Colleen L. Mooney (0015668), an attorney licensed to practice in the State of Ohio, respectfully petitions the Public Utilities Commission of Ohio ("Commission") to permit David C. Rinebolt to practice *pro hac vice* before the Commission in the above-referenced proceeding. Mr. Rinebolt represents Ohio Partners for Affordable Energy, which is an Ohio corporation engaged in advocating for affordable energy policies.

Mr. Rinebolt graduated from the Columbus School of Law of the Catholic University of American in May 1981. As an active member of the District of Columbia Bar, Bar No. 367210, Mr. Rinebolt is licensed to practice before the federal courts of the District of Columbia. Furthermore, Mr. Rinebolt has practiced law continuously since being admitted to the District of Columbia Bar in October 1982. He is also registered with the Supreme Court of the State of Ohio in corporate status (Ohio Bar No. 0073178).

WHEREFORE, Colleen L. Mooney respectfully requests that David C. Rinebolt be permitted to practice before the Commission in the aforementioned proceeding.

Respectfully submitted,


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