

**FILE**

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Energy Efficiency and	)	
Peak Demand Reduction Program Portfolio	)	Case Nos. 09-535-EL-EEC
of Ohio Edison Company, The Cleveland	)	09-536-EL-EEC
Electric Illuminating Company, and The Toledo	)	09-537-EL-EEC
Edison Company.	)	

**MOTION TO INTERVENE AND MEMORANDUM IN SUPPORT  
OF INDUSTRIAL ENERGY USERS-OHIO**

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July 22, 2009

**Attorneys for Industrial Energy Users-Ohio**

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**MOTION TO INTERVENE OF INDUSTRIAL ENERGY USERS-OHIO**

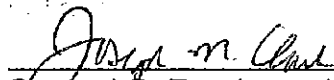
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Industrial Energy Users-Ohio ("IEU-Ohio") hereby respectfully moves the Public Utilities Commission of Ohio ("Commission"), pursuant to Section 4903.221, Revised Code, and Rule 4901-1-11, Ohio Administrative Code, for leave to intervene in the above-captioned matters with the full powers and rights granted by the Commission, specifically by statute or by the provisions of the Ohio Administrative Code, to intervening parties.

On June 26, 2009, Ohio Edison Company, The Cleveland Electric Illuminating Company, and the Toledo Edison Company (collectively, "FirstEnergy") filed an Application for a waiver of the Commission's rules related to achievement of the peak demand reduction ("PDR") benchmark for 2009, as specified in Section 4928.66(A)(1)(b), Revised Code. FirstEnergy also requested approval to utilize the availability of interruptible load under its approved Optional Load Response ("OLR") and Economic Load Response ("ELR") Riders to meet the 2009 PDR benchmark. On July 2, 2009, FirstEnergy filed an amended Application making the same waiver request, but in the alternative asking the Commission to amend its 2009 PDR benchmark to zero inasmuch as FirstEnergy can not achieve the benchmark due to regulatory and economic reasons beyond its reasonable control.

As demonstrated further in the Memorandum in Support attached hereto and incorporated herein, IEU-Ohio has a direct, real, and substantial interest in the issues and matters involved in the above-captioned proceedings, and is so situated that the disposition of these proceedings may, as a practical matter, impair or impede its ability to protect that interest. IEU-Ohio believes that its participation will not unduly prolong or delay these proceedings and that it will significantly contribute to the full development and equitable resolution of the factual and other issues in these proceedings. The interests of IEU-Ohio will not be adequately represented by other parties to the proceedings and, as such, IEU-Ohio is entitled 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.

Respectfully submitted,



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**MEMORANDUM IN SUPPORT**

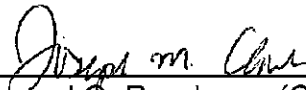
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In support of this Motion to Intervene, IEU-Ohio states that it is an association of ultimate customers. A current listing of IEU-Ohio member companies is available on IEU-Ohio's website at [http://www.ieu-ohio.org/member\\_list.aspx](http://www.ieu-ohio.org/member_list.aspx). IEU-Ohio members purchase substantial amounts of electric and related services from FirstEnergy, which are public utilities subject to the jurisdiction of the Commission.

IEU-Ohio members work together to address matters that affect the availability and price of utility services. Additionally, IEU-Ohio seeks to promote customer-driven policies that will assure an adequate, reliable, and efficient supply of energy for all consumers at competitive prices. To this end IEU-Ohio has worked, including actively participating in the legislative process related to Amended Substitute Senate Bill 221 and will continue to work, to produce legislative, regulatory, and market outcomes that are consistent with the state policy contained in Section 4928.02, Revised Code. IEU-Ohio members have been, and continue to be, active participants in state and federal regulatory proceedings concerning Ohio's electric utilities, including the Commission's proceedings to implement the energy efficiency and peak demand reduction requirements contained in Section 4928.66, Revised Code.

Many of IEU-Ohio's member companies are served by FirstEnergy and may be affected by FirstEnergy's proposed PDR benchmark compliance strategy. IEU-Ohio has a real and substantial interest inasmuch as these proceedings may directly or indirectly impact the provision of electric service to IEU-Ohio members' manufacturing facilities. Specifically, IEU-Ohio's direct interest in these proceedings is the result of the effect that these proceedings shall have upon the price, adequacy, and reliability of the electric supply and related services within Ohio, including the areas presently served by FirstEnergy.

Respectfully submitted,



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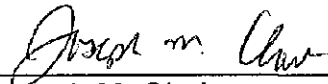
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**Attorneys for Industrial Energy Users-Ohio**

## CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing *Motion to Intervene and Memorandum in Support of Industrial Energy Users-Ohio* was served upon the following parties of record this 22nd day of July 2009, via first class mail, postage prepaid.

  
\_\_\_\_\_  
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**ON BEHALF OF OHIO ENERGY GROUP**