

**FILE**

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

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**PUCO**

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

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**NUCOR STEEL MARION, INC.'S  
MOTION FOR INTERVENTION AND MEMORANDUM IN SUPPORT**

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**I.     MOTION FOR INTERVENTION**

Pursuant to Ohio Revised Code ("RC") § 4903.221 and Ohio Administrative Code ("OAC") 4901-1-11, Nucor Steel Marion, Inc. ("Nucor") respectfully moves the Commission for leave to intervene in the above-captioned dockets, for the reasons more fully set forth in the below Memorandum in Support.

**II.    MEMORANDUM IN SUPPORT**

From the standpoint of both the substantive merits and timeliness of its request, Nucor respectfully submits that it is entitled to intervene in this proceeding. For purposes of considering requests 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 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.

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.

Nucor is a large industrial consumer of electricity delivered to it by the Ohio Edison Company ("Ohio Edison"). Nucor uses electricity throughout its operations, but in particular, uses substantial quantities of electricity to melt steel scrap, recycling it to make new steel products. Nucor pays Ohio Edison millions of dollars per year for electricity. The cost of electricity is critical to Nucor's competitiveness in the national and international steel markets.

In the above-captioned proceeding, Ohio Edison, the Cleveland Electric Illuminating Company, and the Toledo Edison Company (collectively "FirstEnergy" or "Companies") request a waiver of the applicability of the requirements recently adopted in Case No. 08-888-EL-ORD regarding the achievement of peak demand reduction benchmarks under R.C. 4928.66(A)(1)(b) for 2009. The Companies also request approval of the availability of interruptible load under the Companies' OLR (Optional Load Response) and ELR (Economic Load Response) Riders as programs which will satisfy the compliance requirements for the Companies' peak demand reduction benchmarks in 2009 under R.C. 4928.66(A)(1)(b). In the alternative, FirstEnergy requests that the Commission amend FirstEnergy's 2009 peak demand reduction benchmark to zero.

FirstEnergy's request could have an impact on the price Nucor pays for electricity and the

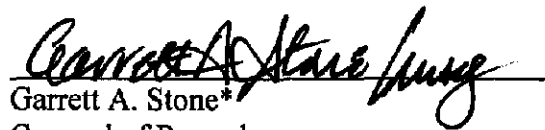
terms and conditions under which Nucor takes electric service. Accordingly, Nucor has direct, real, and substantial interests in this proceeding. Moreover, Nucor is so situated that the disposition of this proceeding without Nucor's ability to fully participate in this proceeding will prejudice and impede Nucor's ability to protect its substantial business interests.

Further, others participating in this proceeding do not represent Nucor's interests. Inasmuch as others participating in these proceedings cannot adequately protect Nucor's interests, it would be inappropriate to determine this proceeding without Nucor's participation. Nucor submits that its unique perspectives will contribute to the full, equitable, and expeditious resolution of these proceedings. Lastly, Nucor's timely intervention will not unduly delay the proceedings, or unjustly prejudice the interests of any existing party to this proceeding.

### **III. CONCLUSION**

For the reasons set forth above, Nucor respectfully requests the Commission to grant Nucor's request to intervene in the above-captioned proceeding.

Respectfully submitted,



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**CERTIFICATE OF SERVICE**

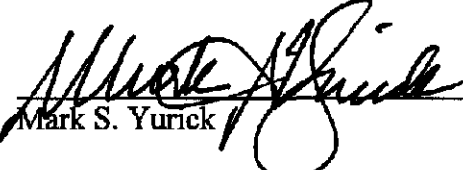
I hereby certify that a copy of the foregoing *Nucor Steel Marion, Inc.'s Motion for Intervention and Memorandum in Support* was served upon the following parties of record or as a courtesy, via U.S. Mail postage prepaid, express mail, hand delivery, or electronic transmission on July 27, 2009.

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