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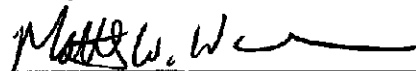
BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of Ohio Edison )  
Company, The Cleveland Electric Illuminating )  
Company and The Toledo Edison Company For ) Case No. 09-0906-EL-SSO  
Approval of a Market Rate Offer to Conduct A )  
Competitive Bidding Process for Standard )  
Service Offer Electric Generation Supply, )  
Accounting Modifications Associated With )  
Reconciliation Mechanism, and Tariffs for )  
Generation Service )

OHIO SCHOOLS COUNCIL'S  
MOTION FOR LEAVE TO INTERVENE

Pursuant to Ohio Rev. Code § 4903.221 and Ohio Admin. Code § 4901-1-11, the Ohio Schools Council ("OSC") respectfully requests that the Public Utilities Commission of Ohio grant OSC's motion to intervene in this proceeding. The reasons supporting OSC's intervention are contained in the accompanying Memorandum in Support.

Respectfully submitted,



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**MEMORANDUM IN SUPPORT OF THE  
OHIO SCHOOLS COUNCIL'S  
MOTION FOR LEAVE TO INTERVENE**

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On October 20, 2009, the Ohio Edison Company ("OE"), The Cleveland Electric Illuminating Company ("CEI") and Toledo Edison Company ("TE"); (collectively "FirstEnergy") filed an Application for approval of a market rate offer to conduct a competitive bidding process for its standard service offer electric generating supply beginning in June 2011. FirstEnergy's proposal seeks to create the competitive landscape for electricity that may exist in northern Ohio for a long time. OSC, its members, and other school districts participating in OSC's purchasing programs may be affected by such a result, and OSC needs the status of a party to the proceeding to fully evaluate the Application and make appropriate recommendations to the Commission.

Ohio Revised Code Section 4903.221(B) and OAC Rule 4901-1-11(A)(2) govern intervention in Commission proceedings. Substantially similar in substance, these provisions explain that the Commission may consider the following in determining whether to grant intervention:

- (1) The nature and extent of the person's interest;<sup>1</sup>
- (2) The legal position of the person seeking intervention and its relation to the merits of the case;<sup>2</sup>
- (3) Whether intervention would unduly delay the proceeding or unjustly prejudice any existing party;<sup>3</sup>
- (4) The person's potential contribution to full development and equitable resolution of the issues involved in the proceeding;<sup>4</sup> and
- (5) The extent to which the person's interest is represented by existing parties.<sup>5</sup>

OSC has a real and substantial interest in the above-captioned proceeding. OSC is a regional council of governments established under Chapter 167 of the Ohio Revised Code. OSC has operated electricity purchasing programs for its members and other participating public school districts since 1998 in all three of the FirstEnergy service territories. Through OSC's efforts, participating school districts have realized significant energy savings, thus conserving increasingly scarce public funds available for education in the State of Ohio. In essence, OSC's members and other public school districts participating in OSC's electricity purchasing program are significant electricity consumers of FirstEnergy. The Commission's decision in this case will have a direct and substantial impact on these school district customers and their ability to provide quality education to children in Ohio.

The legal issues intended to be raised by OSC directly relate to both the merits of the case and this proceeding's potential impact on OSC and its members and program participants. Granting OSC's motion to intervene also will not unduly delay these

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<sup>1</sup> ORC 4903.221(B)(1) and OAC 4901-1-11(B)(1).

<sup>2</sup> ORC 4903.221(B)(2) and OAC 4901-1-11(B)(2).

<sup>3</sup> ORC 4903.221(B)(3) and OAC 4901-1-11(B)(3).

<sup>4</sup> ORC 4903.221(B)(4) and OAC 4901-1-11(B)(4).

<sup>5</sup> OAC 4901-1-11(B)(5).

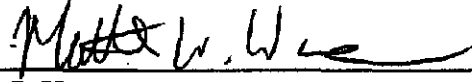
proceedings, or unjustly prejudice any existing party, because OSC is filing this motion prior to the deadline for intervening as established by the Commission so there is not an issue of delay. OSC will work cooperatively with others in the case in order to maximize case efficiency where practical, but without compromising OSC's unique position in the State of Ohio.

OSC's intervention and involvement in this case will contribute to the development of a more complete understanding of the meaning and impacts of FirstEnergy's market rate offer on Ohio electricity consumers, specifically its member school districts and other school districts participating in its electric purchasing programs. Additionally, OSC was granted intervention, and actively participated in both CEI's last electric distribution rate case, Case No. 07-551-EL-AIR, et al., and FirstEnergy's electric security plan case (PUCO Case No. 08-0935-EL-SSO) to the benefit of all involved.

Finally, OSC submits that no current party represents its interests, and disposition of this proceeding without its participation will impair or impede OSC's ability to protect its interests. No existing parties represent OSC's interest as commercial electric customers of FirstEnergy with similar load and usage characteristics and with school districts' public attributes.

WHEREFORE, and for the reasons set forth above, OSC respectfully requests that its motion to intervene be granted.

Respectfully submitted,



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## **CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing was served upon the following parties of record, by electronic mail, this 24<sup>th</sup> day of November, 2009:

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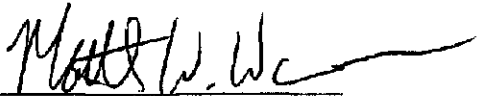
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