

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Energy Efficiency and Peak)	
Demand Reduction Program Portfolio of Ohio)	Case No. 09-384-EL-EEC
Edison Company, The Cleveland Electric)	Case No. 09-385-EL-EEC
Illuminating Company, and The Toledo Edison)	Case No. 09-386-EL-EEC
Company.)	

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

Samuel C. Randazzo (Counsel of Record)
Lisa G. McAlister
Joseph M. Clark
MCNEES WALLACE & NURICK LLC
21 East State Street, 17TH Floor
Columbus, OH 43215
Telephone: (614) 469-8000
Telecopier: (614) 469-4653
sam@mwncmh.com
lmcAlister@mwncmh.com
jclark@mwncmh.com

December 9, 2009

Attorneys for Industrial Energy Users-Ohio

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Energy Efficiency and Peak Demand Reduction Program Portfolio of Ohio)	Case No. 09-951-EL-EEC
Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company.)	Case No. 09-952-EL-EEC
)	Case No. 09-953-EL-EEC
)	

MOTION TO INTERVENE OF INDUSTRIAL ENERGY USERS-OHIO

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 May 8, 2009, Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company (collectively, "FirstEnergy") filed an Application to include certain transmission and distribution projects as part of their compliance with the energy efficiency benchmarks set forth in Section 4928.66(A)(1)(a), Revised Code.

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,

/s/ Joseph M. Clark

Samuel C. Randazzo (Counsel of Record)

Lisa G. McAlister

Joseph M. Clark

MCNEES WALLACE & NURICK LLC

21 East State Street, 17TH Floor

Columbus, OH 43215

Telephone: (614) 469-8000

Telecopier: (614) 469-4653

sam@mwncmh.com

lmcaster@mwncmh.com

jclark@mwncmh.com

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In the Matter of the Energy Efficiency and Peak Demand Reduction Program Portfolio of Ohio)	Case No. 09-384-EL-EEC
Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company.)	Case No. 09-385-EL-EEC
)	Case No. 09-386-EL-EEC
)	

MEMORANDUM IN SUPPORT

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. 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 SB 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.

Many IEU-Ohio member companies are served by FirstEnergy and may be affected by FirstEnergy's request to count the listed transmission and distribution projects towards its 2009 energy efficiency benchmark compliance obligation. IEU-Ohio has a real and substantial interest in these proceedings, specifically in 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,

/s/ Joseph M. Clark

Samuel C. Randazzo (Counsel of Record)

Lisa G. McAlister

Joseph M. Clark

McNEES WALLACE & NURICK LLC

Fifth Third Center

21 East State Street, 17th Floor

Columbus, OH 43215-4228

Telephone: (614) 469-8000

Telecopier: (614) 469-4653

sam@mwncmh.com

lmcAlister@mwncmh.com

jclark@mwncmh.com

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 9th day of December 2009, via first class mail, postage prepaid.

/s/ Joseph M. Clark

Joseph M. Clark

Kathy J. Kolich
FirstEnergy Service Company
76 South Main Street
Akron, OH 44308
kjkolich@firstenergycorp.com

**On Behalf of Ohio Edison Company,
The Cleveland Electric Illuminating
Company, and The Toledo Edison
Company**

Henry Eckhart
50 West Broad Street, Suite 2117
Columbus, OH 43215
henryeckhart@aol.com

**ON BEHALF OF THE NATURAL RESOURCES
DEFENSE COUNCIL AND THE SIERRA CLUB**

David C. Rinebolt
Colleen L. Mooney
Ohio Partners for Affordable Energy
P.O. Box 1793
Findlay, OH 45839-1793
drinebolt@ohiopartners.org
cmooney2@columbus.rr.com

**ON BEHALF OF OHIO PARTNERS FOR
AFFORDABLE ENERGY**

Will Reisinger
Nolan Moser
Trent A. Dougherty
1207 Grandview Avenue, Suite 201

Columbus, OH 43212-3449
nmoser@theOEC.org
will@theOEC.org
trent@theOEC.org

Todd M. Williams
P.O. Box 6885
Toledo, OH 43612
Williams.toddm@gmail.com

**ON BEHALF OF THE OHIO ENVIRONMENTAL
COUNCIL**

Janine L. Migden-Ostrander
Consumers' Counsel
Jeffrey L. Small
Gregory J. Poulos
Office of the Ohio Consumers' Counsel
10 West Broad Street, Suite 1800
Columbus, OH 43215-3485
small@occ.state.oh.us
poulos@occ.state.oh.us

**ON BEHALF OF THE OFFICE OF THE OHIO
CONSUMERS' COUNSEL**

Theodore Robinson
Citizen Power
2121 Murray Avenue
Pittsburgh, PA 15217
robinson@citizenpower.com

ON BEHALF OF CITIZEN POWER

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

12/9/2009 11:18:23 AM

in

Case No(s). 09-0384-EL-EEC

Summary: Motion Motion to Intervene and Memorandum in Support of Industrial Energy Users-Ohio electronically filed by Mr. Joe Clark on behalf of Industrial Energy Users-Ohio and Clark, Joseph M. Mr.