

FILE

5

BOEHM, KURTZ & LOWRY

ATTORNEYS AT LAW
36 EAST SEVENTH STREET
SUITE 1510
CINCINNATI, OHIO 45202
TELEPHONE (513) 421-2255
TELECOPIER (513) 421-2764

Via Overnight Mail

December 18, 2009

Public Utilities Commission of Ohio
PUCO Docketing
180 E. Broad Street, 10th Floor
Columbus, Ohio 43215

RECEIVED-DOCKETING DIV
2009 DEC 21 AM 10:00
PUCO

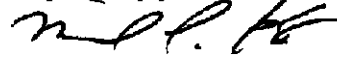
In re: Case Nos. 09-1922-EL-EEC

Dear Sir/Madam:

Please find enclosed an original and twenty (20) copies of MOTION FOR LEAVE TO INTERVENE AND MEMORANDUM IN SUPPORT OF THE OHIO ENERGY GROUP to be filed in the above-referenced matter.

Copies have been served on all parties on the attached certificate of service. Please place this document of file.

Respectfully yours,



David F. Boehm, Esq.
Michael L. Kurtz, Esq.
BOEHM, KURTZ & LOWRY

MLKkew
Encl.
Cc: Certificate of Service

This is to certify that the images appearing are an accurate and complete representation of a case file document delivered to the court clerk of business Technician DL Date processed 12/21/09

CERTIFICATE OF SERVICE

I hereby certify that true copy of the foregoing was served by electronic mail (when available) or ordinary mail, unless otherwise noted, this 18th day of December, 2009 the following:



David F. Boehm, Esq.
Michael L. Kurtz, Esq.

*MILLER, EBONY L MS.
FIRSTENERGY SERVICE COMPANY
76 SOUTH MAIN STREET
AKRON OH 44308

*HEINTZ, MICHAEL E MR.
ENVIRONMENTAL LAW & POLICY CENTER
1207 GRANDVIEW AVE. SUITE 201
COLUMBUS OH 43212

INDUSTRIAL ENERGY USERS-OHIO
SAMUEL C. RANDAZZO, GENER
21 EAST STATE STREET 17TH FLOOR
COLUMBUS OH 43215

OHIO ENVIRONMENTAL COUNCIL
NOLAN MOSER 1207 GRANDVIEW AVE. SUITE 201
COLUMBUS OH 43212-3449

*REISINGER, WILL MR.
OHIO ENVIRONMENTAL COUNCIL
1207 GRANDVIEW AVENUE
COLUMBUS OH 43212

*CLARK, JOE MR.
MCNEES WALLACE & NURICK LLC
21 EAST STATE STREET, 17TH FLOOR
COLUMBUS OH 43215

CLARK, JOSEPH M ATTORNEY AT LAW
MCNEES WALLACE & NURICK LLC
21 EAST STATE STREET, 17TH FL.
COLUMBUS OH 43215

REISINGER, WILL
ENVIRONMENTAL COUNCIL
1207 GRANDVIEW AVENUE SUITE 201
COLUMBUS OH 43212-3449

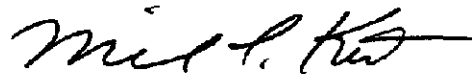
**BEFORE THE
PUBLIC UTILITY COMMISSION OF OHIO**

In The Matter Of The Application Of Ohio Edison	:	
Company, The Cleveland Electric Illuminating	:	Case Nos. 09-1922-EL-EEC
Company And The Toledo Edison Company For	:	
Approval Of a Force Majeure Determination for a	:	
Portion of the 2009 Solar Energy Resources	:	
Benchmark Requirement Pursuant to Section	:	
4928.64(C)(4) of the Ohio Revised Code	:	

**THE OHIO ENERGY GROUP'S
MOTION FOR LEAVE TO INTERVENE**

Pursuant to the Ohio Rev. Code §4903.22.1 and Ohio Admin. Code §4901-1-11, the Ohio Energy Group. ("OEG") moves for leave to intervene in this proceeding. The Public Utility Commission of Ohio ("Commission") should grant OEG leave to intervene because OEG has a real and substantial interest in the proceeding, and the Commission's disposition of this proceeding may impair or impede OEG's ability to protect that interest.

Respectfully submitted,



David F. Boehm, Esq.
Michael L. Kurtz, Esq.
BOEHM, KURTZ & LOWRY
36 East Seventh Street, Suite 1510
Cincinnati, Ohio 45202
Ph: (513) 421-2255 Fax: (513) 421-2764
E-Mail: dboehm@BKLawfirm.com
mikurtz@BKLawfirm.com

December 18, 2009

COUNSEL FOR OHIO ENERGY GROUP

RECEIVED-DOCKETING DIV
2009 DEC 21 AM 10:00
PUCO

**BEFORE THE
PUBLIC UTILITY COMMISSION OF OHIO**

In The Matter Of The Application Of Ohio Edison	:	
Company, The Cleveland Electric Illuminating	:	Case Nos. 09-1922-EL-EEC
Company And The Toledo Edison Company For	:	
Approval Of a Force Majeure Determination for a	:	
Portion of the 2009 Solar Energy Resources	:	
Benchmark Requirement Pursuant to Section	:	
4928.64(C)(4) of the Ohio Revised Code	:	

**MEMORANDUM IN SUPPORT OF
THE OHIO ENERGY GROUP'S
MOTION TO INTERVENE**

Pursuant to Ohio Rev. Code §4903.22.1 and Ohio Admin. Code §4901-01-11, the Public Utility Commission of Ohio ("Commission") should grant The OEG Co. ("OEG") leave to intervene in this proceeding.

OEG is a non-profit entity organized to represent the interests of large industrial customers in electric and gas regulatory proceedings before the Public Utility Commission of Ohio ("Commission"). OEG's members who are participating in this intervention are: Air Products and Chemicals, Inc., AK Steel Corporation, Aleris International, Inc., Alcoa Inc., ArcelorMittal USA, BP-Husky Refining, LLC, Brush Wellman, Inc., Charter Steel, Chrysler LLC, E.I. DuPont deNemours & Company, Ford Motor Company, Johns Manville, Linde, Inc., North Star BlueScope Steel, LLC, PPG Industries, Inc., Sunoco, Inc. (R&M) and Worthington Industries. These companies purchase electric distribution services from First Energy. Therefore, the interests of OEG's members may be directly affected by the outcome of this proceeding. OEG intends to play a constructive role in this case and provide information which will assist the Commission.

No other party to this proceeding can adequately represent OEG's interest. Intervention would not unduly delay the proceeding nor unjustly prejudice any existing party.

Accordingly, OEG has a real and substantial interest and is entitled to intervene in this action under Ohio Rev. Code §4903.22.1 and Ohio Admin. Code §4901-1-11.

Respectfully submitted,



David F. Boehm, Esq.

Michael L. Kurtz, Esq.

BOEHM, KURTZ & LOWRY

36 East Seventh Street, Suite 1510

Cincinnati, Ohio 45202

Ph: 513.421.2255 Fax: 513.421.2764

E-Mail: dboehm@BKLawfirm.com

mkurtz@BKLawfirm.com

COUNSEL FOR THE OHIO ENERGY GROUP

December 18, 2009