

**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 Approval of Their Energy Efficiency and Peak Demand Reduction Program Portfolio Plans for 2010 and Associated Cost Recovery Mechanisms.)	)	Case Nos.	09-1947-EL-POR
	)		09-1948-EL-POR
	)		09-1949-EL-POR

In the Matter of the Application of Ohio Edison Company, The Cleveland Electric Illuminating Company and The Toledo Edison Company for Approval of Their Initial Benchmark Reports.	)	Case Nos.	09-1942-EL-EEC
	)		09-1943-EL-EEC
	)		09-1944-EL-EEC

In the Matter of the Energy Efficiency and Peak Demand Reduction Program Portfolio of Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company.	)	Case Nos.	09-580-EL-EEC
	)		09-581-EL-EEC
	)		09-582-EL-EEC

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

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December 29, 2009

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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.¹

On December 15, 2009, Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company (collectively, "FirstEnergy")

¹ The Commission previously granted an IEU-Ohio Motion to Intervene in Case Nos. 09-580-EL-EEC, *et al. In the Matter of the Energy Efficiency and Peak Demand Reduction Program Portfolio of Ohio Edison Company*, PUCO Case Nos. 09-580-EL-EEC, *et al.*, Finding and Order at 2 (September 23, 2009). However, IEU-Ohio includes this case caption on this Motion to Intervene for the purposes of consistency with the case caption on the December 15, 2009 Application.

filed in the above-captioned cases an Application for approval of their respective initial three-year energy efficiency and peak demand reduction program portfolios as well as for approval of their respective initial benchmark compliance reports.

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

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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 for approval of the initial three-year energy efficiency and peak demand reduction program portfolios for each of the operating companies as well as for approval of the initial benchmark compliance reports for each of the operating companies. IEU-Ohio has a real and substantial interest in these proceedings, specifically in the provision of electric service to IEU-Ohio members' manufacturing facilities. 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

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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 29th day of December 2009, via first class mail, postage prepaid.

/s/ Joseph M. Clark

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

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

12/29/2009 2:54:31 PM

in

Case No(s). 09-1947-EL-POR, 09-1948-EL-POR, 09-1949-EL-POR, 09-1942-EL-EEC, 09-1943-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.