

FILE

BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

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In the Matter of the Application of Ohio Edison)
Company, The Cleveland Electric Illuminating)
Company and The Toledo Edison Company for) Case Nos. 09-1947-EL-POR
Approval of Their Energy Efficiency and Peak) 09-1948-EL-POR
Demand Reduction Program Portfolio Plans for) 09-1949-EL-POR
2010 through 2012 and Associated Cost Recovery)
Mechanisms)

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

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

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

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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 Approval of Their Energy Efficiency and Peak Demand Reduction Program Portfolio Plans for 2010 through 2012 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

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

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 these proceedings. 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. 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.

Ohio Edison, the Cleveland Electric Illuminating Company, and the Toledo Edison Company (collectively "FirstEnergy") request approval for their energy efficiency and peak demand reduction program portfolios, associated cost-recovery mechanisms, and their initial

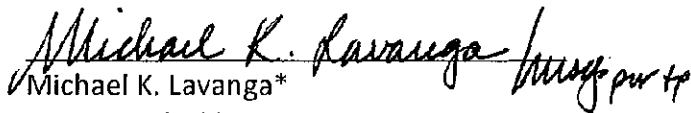
benchmark reports. FirstEnergy's proposals could affect the price Nucor pays for electric service, as well as the terms and conditions under which Nucor takes service. Accordingly, Nucor has direct, real, and substantial interests in this proceeding. Moreover, the disposition of this proceeding without Nucor's participation would 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 docket.

Respectfully submitted,


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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing pleading 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 January 13, 2010.

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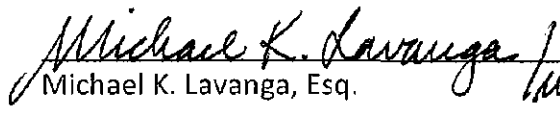
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