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BEFORE
THE PUBLIC UTILITY 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 Demand
Reduction Program Portfolio Plans for 2010 and
Associated Cost Recovery Mechanisms.

)
)
) Case No. 09-1947-EL-POR
) Case No. 09-1948-EL-POR
) Case No. 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 No. 09-1942-EL-EEC
) Case No. 09-1943-EL-EEC
) Case No. 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 No. 09-580-EL-EEC
) Case No. 09-581-EL-EEC
) Case No. 09-582-EL-EEC
)

) **MOTION FOR LEAVE TO**
) **INTERVENE**

Pursuant to Ohio Revised Code ("R.C.") Section 4903.221 and Ohio Administrative
Code Rule 4901-1-11, the Council for Smaller Enterprises ("COSE") respectfully requests that
the Public Utilities Commission of Ohio (the "Commission") grant COSE's motion for leave to
intervene in these proceedings. The reasons supporting COSE's intervention are contained in the
accompanying Memorandum in Support.

Respectfully submitted,



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THE PUBLIC UTILITY 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 Demand Reduction Program Portfolio Plans for 2010 and Associated Cost Recovery Mechanisms.

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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 No. 09-580-EL-EEC
) Case No. 09-581-EL-EEC
) Case No. 09-582-EL-EEC
)

) **MEMORANDUM IN SUPPORT OF**
) **MOTION FOR LEAVE TO**
) **INTERVENE**

On December 15, 2009, Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company (collectively "FirstEnergy") filed Applications in the above-captioned cases for approval of their respective: 1) initial three-year energy efficiency and peak demand reduction program portfolios; and 2) initial compliance reports with the energy efficiency and peak demand benchmarks set forth in Amended Senate Bill 221.

R.C. Section 4903.221(B) and OAC Rule 4901-11(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;¹
- (2) The legal position of the person seeking intervention and its relation to the

¹ ORC 4903.221(B)(1) and OAC 4901-1-11(B)(1).

merits of the case;²

- (3) Whether intervention would unduly delay the proceeding or unjustly prejudice any existing party;³
- (4) The person's potential contribution to full development and equitable resolution of the issues involved in the proceeding;⁴ and
- (5) The extent to which the person's interest is represented by existing parties.⁵

COSE has a real and substantial interest in the above-captioned proceedings. COSE represents 17,000 small commercial customers within FirstEnergy's territory. The small commercial class is not currently represented in these proceeding.

COSE has also served as an aggregator of electricity for its members since 1999 in FirstEnergy's territory. Through COSE's efforts, participating members have realized decreased energy costs, which has allowed them the opportunity to reallocate these resources to other areas of their businesses. Further, last year COSE was designated as one of the Administrators for FirstEnergy's Energy Efficiency and Demand Response program created as part of the Stipulation in last year's ESP proceeding (Case No. 08-935-EL-SSO). See generally *In the Matter of the Application of Ohio Ellison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company for Approval of Administrator Agreements and Statements of Work*, Case No. 09-553-EL-EEC.

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

² ORC 4903.221(B)(2) and OAC 4901-1-11(B)(2).

³ ORC 4903.221(B)(3) and OAC 4901-1-11(B)(3).

⁴ ORC 4903.221(b)(4) and OAC 4901-1-11(B)(4).

⁵ OAC 4901-1-11(B)(5).

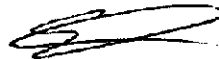
prejudice any existing party, because COSE is filing this motion prior to the Commission's deadline for intervening. COSE will work cooperatively with others in the case in order to maximize case efficiency where practical, but without compromising COSE's unique position in the State of Ohio.

COSE'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 filing on COSE (as an Administrator of FirstEnergy's Energy Efficiency and Demand Response programs), and COSE's efforts regarding energy efficiency and peak demand reduction programs. Additionally, COSE was granted intervention, and actively participated in, FirstEnergy's electric security plan case (Case No. 08-935-EL-SSO), and has been an active participant in FirstEnergy's energy efficiency collaborative meetings implemented following the Commission approval of the ESP Stipulation in Case No. 08-935-EL-SSO.

Finally, COSE submits that no current party represents its interests, and disposition of this proceeding without its participation will impair or impede COSE's ability to protect its interests.

WHEREFORE, the Council of Smaller Enterprises respectfully requests that its motion to intervene be granted.

Respectfully submitted,



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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Motion to Intervene was served upon the parties of record listed below this 14th day of February, 2010 via first class mail.

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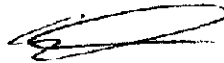
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