

BEFORE THE  
PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of	)	
Columbus Southern Power Company and	)	Case Nos. 11-346-EL-SSO
Ohio Power Company for Authority to	)	11-348-EL-SSO
Establish a Standard Service Offer	)	
Pursuant to § 4928.143, Ohio Rev. Code,	)	
in the Form of an Electric Security Plan.	)	

In the Matter of the Application of	)	
Columbus Southern Power Company and	)	Case Nos. 11-349-EL-AAM
Ohio Power Company for Approval of	)	11-350-EL-AAM
Certain Accounting Authority.	)	

**MOTION TO INTERVENE  
OF FIRSTENERGY SOLUTIONS CORP.**

Pursuant to Ohio Revised Code § 4903.221 and O.A.C. 4901-1-11, FirstEnergy Solutions Corp. ("FES") moves to intervene in these proceedings. FES has a number of real and substantial interests in these proceedings and its interests, which may be prejudiced by the results of these proceedings, are not adequately represented by existing parties. Thus, as set forth more fully in the attached memorandum in support, FES respectfully requests that the Commission grant this timely request to intervene.

Respectfully submitted,



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**MEMORANDUM IN SUPPORT OF THE  
MOTION TO INTERVENE OF FIRSTENERGY SOLUTIONS CORP.**

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In this proceeding, Columbus Southern Power Company and Ohio Power Company (collectively, "Applicants") seek Commission approval pursuant to R.C. § 4928.143 of Applicants' proposed electric security plan to provide a Standard Service Offer ("SSO") to their customers. Applicants' proposed plan is both expansive and troubling, as it includes several provisions that could harm the ability of Competitive Retail Electric Service ("CRES") providers such as FirstEnergy Solutions Corp. ("FES") to serve customers in Applicants' service territories. FES has a real and substantial interest in this proceeding, and the Commission's disposition of this proceeding may impair or impede FES's ability to protect that interest. Thus, FES respectfully requests that the Commission grant its motion to intervene in this proceeding.

R.C. § 4903.221 provides that any "person who may be adversely affected by a public utilities commission proceeding" may intervene in the proceeding. The Commission's own rules reinforce the right to intervene:

Upon timely motion, any person *shall be* permitted to intervene in a proceeding upon a showing that . . . [t]he 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.

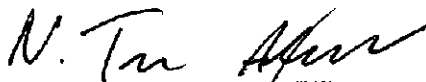
O.A.C. 4901-1-11(A) (emphasis added). "The regulation's text is very similar to Civ. R. 24 – the rule governing intervention in civil cases in Ohio – which is generally liberally construed in favor of intervention." *Ohio Consumers' Counsel v. Pub. Util. Comm.*, 111 Ohio St. 3d 384, 387 (2006) (internal quotations omitted). In considering a motion to intervene, the Commission's rule directs that the Commission should consider: the nature and extent of the intervenor's interest; the legal position advanced by the intervenor and its probable relation to the merits of the case; whether intervention will unduly prolong or delay the proceedings; whether the intervenor will significantly contribute to full development and equitable resolution of the factual issues; and the extent to which the intervenor's interest is represented by existing parties. *See* O.A.C. 4901-1-11(B)(1)-(5); *see also* R.C. § 4903.221(B)(1)-(4). FES's motion to intervene satisfies each of these factors.

FES is an owner and operator of electric generating facilities located in Ohio and elsewhere. FES offers a wide range of energy and energy-related products and services, including the generation and sale of electricity and energy planning and procurement, to wholesale and retail customers across Ohio both directly and through governmental aggregation programs. FES currently provides competitive services to customers in Applicants' service territories. The structure and pricing of Applicant's proposed SSO, which includes numerous non-bypassable riders, will directly impact FES's ability to provide those competitive services. As such, FES has a substantial interest in the outcome of this proceeding, and that interest cannot be represented by any other party to this proceeding.

FES's request for intervention also is timely. The Attorney Examiner's February 9, 2011 Entry set a deadline of March 14, 2011 for such motions and a July 2011 date for the evidentiary hearing. Therefore, FES's intervention will not unduly prolong or delay these proceedings. Moreover, FES has substantial experience promoting fair and open competitive markets through participation in Commission proceedings involving SSOs, which experience may benefit the Commission's review of Applicants' proposed SSO. *See, e.g., In re Application of Duke Energy Ohio for Approval of a Market Rate Offer to Conduct a Competitive Bidding Process for Standard Service Offer Electric Generation Supply*, Case No. 10-2586-EL-SSO, Mot. to Intervene of FES, filed Nov. 19, 2010; *In re Application of Ohio Edison Company, The Cleveland Electric Illuminating Company and The Toledo Edison Company for Approval of a Market Rate Offer to Conduct a Competitive Bidding Process for Standard Service Offer Electric Generation Supply*, Case No. 09-906-EL-SSO, Mot. to Intervene of FES, dated Nov. 25, 2009. FES's participation will significantly contribute to the full development and resolution of the issues raised by Applicants' proposal because FES has significant experience in the supplier marketplace.

WHEREFORE, FES respectfully requests that the Commission grant this Motion to Intervene and that it be made a party of record to these proceedings.

Respectfully submitted,



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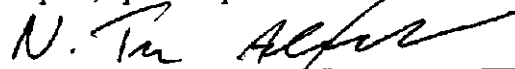
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## CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing *Motion to Intervene of FirstEnergy Solutions Corp.* and *Memorandum in Support* thereof was served this 14th day of February, 2011, via e-mail and regular U.S. Mail, postage pre-paid, upon the parties below



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