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**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Annual Alternative )  
Energy Status Report of Ohio Edison )  
Company, The Cleveland Electric )  
Illuminating Company, and The Toledo )  
Edison Company. )

In the Matter of the Application of Ohio )  
Edison Company, The Cleveland Electric )  
Illuminating Company, and The Toledo )  
Edison Company for a Force Majeure )  
Determination for Their In-State Solar )  
Resources Benchmark Pursuant to )  
Section 4928.64(C)(4)(a), Revised Code. )

Case No. 11-2479-EL-ACP

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

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**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 docket, for the reasons more fully set forth in the below Memorandum in Support.

**II. MEMORANDUM IN SUPPORT**

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.

In the above-captioned proceeding, FirstEnergy submits its status report addressing FirstEnergy's compliance with the renewable energy portfolio standard benchmarks for 2010. As an Ohio Edison customer that is bearing the cost of FirstEnergy's compliance with the renewable energy requirements, Nucor has direct, real, and substantial interests in this proceeding. Moreover, the disposition of the proceeding without Nucor's participation would prejudice and impede Nucor's ability to protect its substantial business interests.

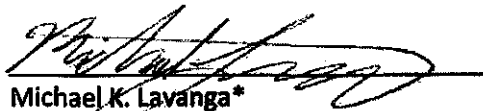
Further, other parties choosing to participate in this proceeding would not represent Nucor's interests. Nucor submits that its unique perspectives will contribute to the full,

equitable, and expeditious resolution of this proceeding. Lastly, Nucor's timely intervention will not unduly delay the proceeding, 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 proceeding.

Respectfully submitted,



Michael K. Lavanga\*

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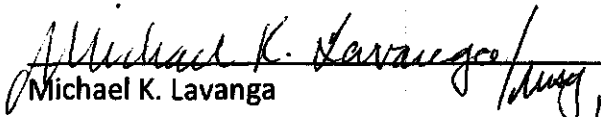
**Attorney for Nucor Steel Marion, Inc.**

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing was served via U.S. Mail postage prepaid and electronic mail on this 16<sup>th</sup> day of May, 2011 upon the following:

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