

BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of Ohio)		
Edison Company, The Cleveland Electric)	Case Nos.	12-2190-EL-POR
Illuminating Company, and The Toledo)		12-2191-EL-POR
Edison Company for Approval of Their)		12-2192-EL-POR
Energy Efficiency and Peak Demand)		
Reduction Portfolio Plans for 2013)		
Through 2015)		

MOTION OF CITIZEN POWER, INC., TO INTERVENE, MEMORANDUM IN
SUPPORT AND MOTION TO PRACTICE PRO HAC VICE BEFORE
THE COMMISSION

Theodore S. Robinson
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September 17, 2012

Counsel for Citizen Power

BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

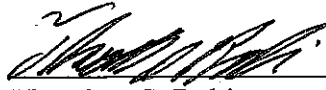
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Through 2015)		

MOTION TO INTERVENE OF CITIZEN POWER, INC.

Citizen Power, Inc., (“Citizen Power”) hereby respectfully moves the Public Utilities Commission of Ohio (“Commission”), pursuant to R.C. 4903.221 and Section 4901-1-11 of the Ohio Administrative Code, to intervene in the above-captioned case, 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.

Citizen Power is a not-for-profit research, education and advocacy organization (i.e. under Section 501 (c) (3) of the U. S. Internal Revenue Code), with offices in Ohio and Pennsylvania. A more detailed description of Citizen Power, the reasons for its intervention, and why such intervention should be granted by the Commission are set forth in the Memorandum in Support.

Respectfully submitted,



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MEMORANDUM IN SUPPORT

Citizen Power respectfully submits that it should be permitted to intervene in this case according to R.C. 4903.221 and the Commission's Rules and Regulations contained in Section 4901-1-11 of the Ohio Administrative Code, in which the Ohio Edison Company, The Cleveland Electric Illuminating Company, and the Toledo Edison Company ("the Companies") have submitted energy efficiency program plans for implementation during the period from 2013-2015. Moreover, Citizen Power should be permitted to intervene with the full powers and rights granted by the Commission by statute and by the provisions of the Ohio Administrative Code to intervening parties.

Citizen Power, Inc. is a not-for-profit research, education and advocacy organization (i.e. under Section 501 (c) (3) of the U. S. Internal Revenue Code), with offices in Ohio (at 2424 Dock Road, Madison, Ohio 44057), and Pennsylvania (at 2121 Murray Avenue, Pittsburgh, Pennsylvania 15217). Citizen Power has established an Energy Education Project with the primary mission of promoting energy policies that protect the environment and low-income customers. Connie Kline, Ronald Shissler, and

Ronald O'Connell are Directors of Citizen Power, and each is a customer of The Cleveland Electric Illuminating Company, an operating company of FirstEnergy.

Citizen Power has a long history of involvement in electric regulatory matters. In the period from 1986 through 1989, Citizen Power, then known as "Concerned Citizens," intervened in the Perry 1 and Beaver Valley 2 investigations concerning the prudence of the construction costs for the two nuclear power plants, and the case concerning the base rates of Cleveland Electric Illuminating Company. Citizen Power also intervened before the FERC in the FirstEnergy merger case (Docket No. EC 10-68). Furthermore, Citizen Power was granted intervention and actively participated in the FirstEnergy Transition Case before this Commission (Case Nos. 99-1212-EL-ETP, 99-1213-EL-ETP, and 99-1214-EL-ETP), the FirstEnergy ESP Cases (Case Nos. 08-935-EL-SSO and 10-388-EL-SSO), the FirstEnergy MRO Cases (Case Nos. 08-936-EL-SSO and 09-906-EL-SSO), the FirstEnergy application to include T&D projects to meet their 2009 energy efficiency benchmarks (Case No. 09-951-EL-EEC) and the FirstEnergy energy efficiency and peak demand reduction plan (Case Nos. 09-1947-EL-POR, 09-1948-EL-POR, and 09-1949-EL-POR).

Citizen Power has a direct, real, and substantial interest in this proceeding. The above-captioned proceeding concerns the Companies' energy efficiency program plans for 2013-2015. The result of this proceeding may have an impact on how the Companies reach their energy efficiency benchmarks as well as the cost of doing so. As a non-profit organization dedicated to conserving the environment, promoting energy efficiency, and protecting low-income residential customers; the interests of Citizen Power may be

“adversely affected” by these proceedings, satisfying the intervention standard in R.C. 4903.221.

Citizen Power also meets the standard for intervention under R.C. 4903.221(B), which provides that the Commission shall consider in ruling on an intervention application:

- (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 proceeding; and
- (4) Whether the prospective intervenor will significantly contribute to the full development and equitable resolution of the factual issues.

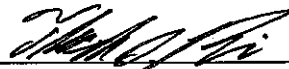
First, as evidenced above, the nature and extent of Citizen Power’s interest in these proceedings are substantial. The determinations made during this proceeding will impact how the Companies reach their energy efficiency benchmarks. In addition, the outcome may ultimately impact the rates paid by low-income customers of the Companies. Second, Citizen Power’s legal position includes, but is not limited to; the proposition that the Companies should procure energy efficiency in a cost effective manner. Properly designed energy efficiency programs have the potential to significantly reduce energy usage while saving residential customers money of their bills. Third, the intervention of Citizen Power will not unduly prolong or delay the proceeding. Fourth, Citizen Power will contribute to the just, equitable, and expeditious resolution of the issues that are raised in these proceedings.

Citizen Power also meets the standard for intervention under Section 4901-1-11(B)(1)-(4) of the Ohio Administration Code, which is almost identical to the criteria

under R.C. 4903.221(B). Ohio Adm. Code 4901-1-11(B)(5) states that the Commission shall consider the "extent to which the person's interest is represented by existing parties." While Citizen Power does not concede the lawfulness of this factor, Citizen Power satisfies this criterion in that it is specifically concerned about both the environmental impacts and the cost impacts of this proceeding.

For the reasons stated above, Citizen Power requests the Commission grant Citizen Power's motion to intervene.

Respectfully submitted,



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**MOTION FOR PERMISSION TO APPEAR PRO HAC VICE
OF THEODORE ROBINSON**

Pursuant to Gov.Bar R. XII(2)(A)(6), Theodore Robinson, attorney for Citizen Power, Inc., hereby moves the Public Utilities Commission of Ohio to grant him permission to appear *pro hac vice* in the above-captioned proceeding.

Movant represents that the following is a list of the jurisdictions in which he has ever been licensed to practice law, including dates of admission to practice, resignation, or retirement, and any attorney registration numbers: Pennsylvania (#203852; admission date: December 14, 2006).

Movant represents that he has not been granted permission to appear *pro hac vice* in more than three proceedings before Ohio tribunals in the current calendar year pursuant to Gov.Bar R. XII(2)(A)(5).

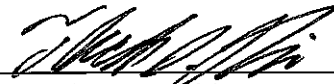
William M. Ondrey Gruber (#0005950), an active Ohio attorney in good standing, has agreed to associate with Movant on this case.

The affidavit required by Gov.Bar R. XII(A)(6), a copy of Movant's certificate of *pro hac vice* registration furnished by the Supreme Court of Ohio Office of Attorney

under R.C. 4903.221(B). Ohio Adm. Code 4901-1-11(B)(5) states that the Commission shall consider the "extent to which the person's interest is represented by existing parties." While Citizen Power does not concede the lawfulness of this factor, Citizen Power satisfies this criterion in that it is specifically concerned about both the environmental impacts and the cost impacts of the this proceeding.

For the reasons stated above, Citizen Power requests the Commission grant Citizen Power's motion to intervene.

Respectfully submitted,



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THE SUPREME COURT of OHIO

OFFICE OF ATTORNEY SERVICES

IN THE MATTER OF THE APPLICATION OF

Theodore Robinson

Certificate of
PRO HAC VICE
REGISTRATION

2012

FOR PRO HAC VICE REGISTRATION

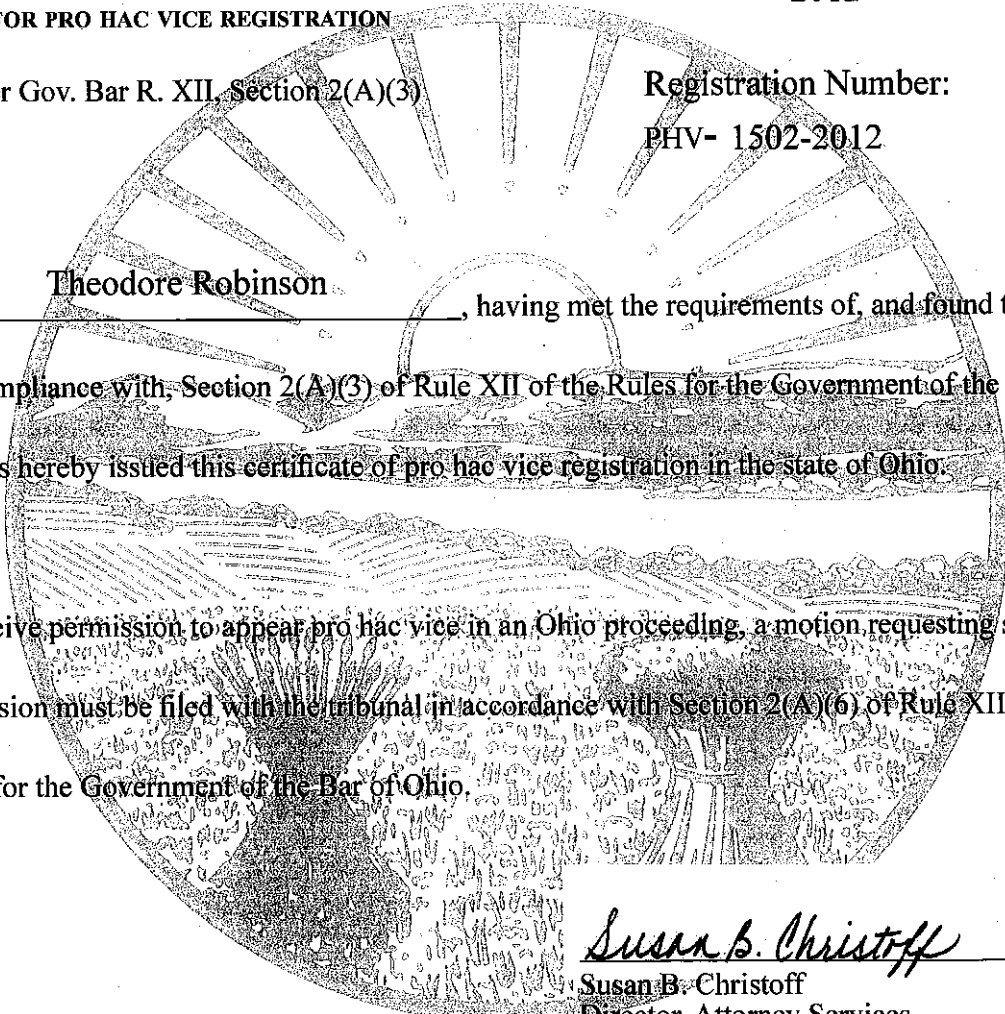
per Gov. Bar R. XII, Section 2(A)(3)

Registration Number:
PHV- 1502-2012

Theodore Robinson

_____, having met the requirements of, and found to be in full compliance with, Section 2(A)(3) of Rule XII of the Rules for the Government of the Bar of Ohio, is hereby issued this certificate of pro hac vice registration in the state of Ohio.

To receive permission to appear pro hac vice in an Ohio proceeding, a motion requesting such permission must be filed with the tribunal in accordance with Section 2(A)(6) of Rule XII of the Rules for the Government of the Bar of Ohio.



Susan B. Christoff

Susan B. Christoff
Director, Attorney Services

Expires December 31, 2012

THE SUPREME COURT of OHIO

OFFICE OF ATTORNEY SERVICES

IN THE MATTER OF THE APPLICATION OF

Theodore Robinson (1502-2012)

AFFIDAVIT OF APPLICANT
Gov. Bar R. XII, Section 2(A)(3)

FOR PRO HAC VICE REGISTRATION

Theodore Robinson being first duly cautioned, swears or affirms as follows:

- a. I have never been disbarred from the practice of law.
- b. I have been admitted to the practice of law in the following jurisdictions (attach additional jurisdictions if necessary):

Pennsylvania

c. Choose one:

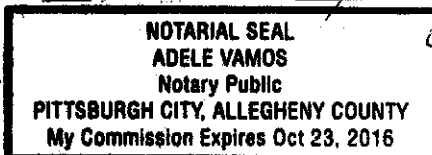
- I am not currently suspended from the practice of law in any jurisdiction where I have been admitted to practice.
- I am currently suspended from the practice of law in the following jurisdictions:

d. Choose one:

- I have not resigned from the practice of law with discipline pending in any jurisdiction where I have been admitted to practice.
- I have resigned from the practice of law with discipline pending in the following jurisdiction(s):

Theodore Robinson
SIGNATURE OF APPLICANT

Sworn to or affirmed before me and subscribed in my presence the 17th day of September,
20 12, in the state of Pennsylvania and county of Allegheny.

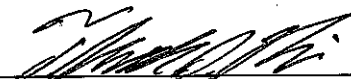


Adele Vamos
SIGNATURE OF NOTARY PUBLIC*

*Affix stamp & seal (required in Ohio).

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing *Motion to Intervene, Memorandum in Support* and the attached *Motion to Admit Pro Hac Vice* was served electronically or by regular U.S. Mail upon the parties of record identified below in these cases on this 27th day of September, 2012.


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Case No(s). 12-2190-EL-POR, 12-2191-EL-POR, 12-2192-EL-POR

Summary: Motion Motion of Citizen Power, Inc. to Intervene, Memorandum in Support and Motion to Practice Pro Hac Vice Before the Commission electronically filed by Mr. Theodore Robinson on behalf of Citizen Power, Inc.