

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Review of the Application of	)	
Ohio Edison Company, The Cleveland Electric	)	
Illuminating Company and The Toledo Edison	)	Case No. 12-2190-EL-POR
Company for Approval of Their Energy Efficiency	)	Case No. 12-2191-EL-POR
and Peak Demand Reduction Program Portfolio	)	Case No. 12-2192-EL-POR
Plans for 2013through 2015.	)	

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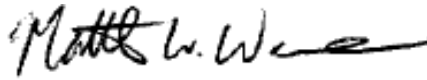
**NORTHEAST OHIO PUBLIC ENERGY COUNCIL’S  
MOTION FOR LEAVE TO INTERVENE OUT OF TIME**

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Pursuant to Ohio Revised Code Section (“R.C.”) 4903.221 and Ohio Administrative Code (“OAC”) Rule 4901-1-11, the Northeast Ohio Public Energy Council (“NOPEC”) respectfully requests that the Public Utilities Commission of Ohio (“Commission”) grant NOPEC’s motion for leave to intervene out of time, and allow NOPEC to intervene in this proceeding. The Commission should grant NOPEC’s motion for leave to intervene because NOPEC has a real and substantial interest in this proceeding, and the Commission’s disposition of this proceeding may impair or impede NOPEC’s ability to protect that interest. NOPEC believes that its participation will not unduly prolong or delay this proceeding, especially at such an early stage, and it will contribute to the full development and equitable resolution of the issues in this proceeding. NOPEC’s interests also will not be adequately represented by other parties to this proceeding.

The reasons supporting NOPEC’s motion for leave to intervene are contained in the accompanying Memorandum in Support.

Respectfully submitted,



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**MEMORANDUM IN SUPPORT OF  
THE NORTHEAST OHIO PUBLIC ENERGY COUNCIL’S  
MOTION FOR LEAVE TO INTERVENE OUT OF TIME**

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On July 31, 2012, the Ohio Edison Company, Cleveland Electric Illuminating Company, and Toledo Edison Company (collectively, “FirstEnergy”) filed an Application for approval of their respective three-year energy efficiency and peak demand reduction portfolio plans. An August 16, 2012 Entry from the Attorney Examiner established an intervention deadline of Monday, September 17, 2012 (approximately 4 days prior to the filing of this motion).

NOPEC is a regional council of governments established under Chapter 167 of the Ohio Revised Code, and is the largest governmental retail energy aggregator in the State of Ohio. Comprised of 162 communities in the ten (10) northeast Ohio counties of Ashtabula, Lake, Geauga, Cuyahoga, Summit, Lorain, Medina, Trumbull, Portage and Huron, NOPEC provides electric aggregation service to approximately 500,000 retail electric customers located in the service territories of The Cleveland Electric Illuminating Company (“CEI”) and Ohio Edison Company (“OE”).

R.C. 4903.221(B) and OAC Rule 4901-1-11(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;<sup>1</sup>
- (2) The legal position of the person seeking intervention and its relation to the merits of the case;<sup>2</sup>
- (3) Whether intervention would unduly delay the proceeding or unjustly prejudice any existing party;<sup>3</sup>
- (4) The person's potential contribution to full development and equitable resolution of the issues involved in the proceeding;<sup>4</sup> and
- (5) The extent to which the person's interest is represented by existing parties.<sup>5</sup>

Consistent with these requirements, NOPEC has a real and substantial interest in the above-captioned proceedings, and the legal issues NOPEC intends to raise directly relate to the merits of this case. As the largest governmental retail energy aggregator in the State of Ohio, NOPEC is uniquely positioned to represent the interests of both large-scale governmental aggregators and the approximately 500,000 retail electric customers participating in NOPEC's aggregation. Disposition of these proceedings without NOPEC's participation will impair or impede its ability to protect these unique interests.

Granting NOPEC's motion to intervene will not unduly delay these proceedings or unjustly prejudice any existing party, especially at such an early stage in the proceeding and more than one month prior to the scheduled evidentiary hearing. NOPEC will work cooperatively with others in the proceeding in order to maximize case efficiency where practical, but without compromising NOPEC's unique position as a large-scale governmental aggregator.

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<sup>1</sup> RC 4903.221(B)(1) and OAC Rule 4901-1-11(B)(1).

<sup>2</sup> RC 4903.221(B)(2) and OAC Rule 4901-1-11(B)(2).

<sup>3</sup> RC 4903.221(B)(3) and OAC Rule 4901-1-11(B)(3).

<sup>4</sup> RC 4903.221(B)(4) and OAC Rule 4901-1-11(B)(4).

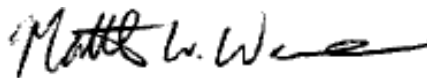
<sup>5</sup> OAC Rule 4901-1-11(B)(5).

NOPEC's intervention and involvement in these cases will contribute to the development of a more complete understanding of the meaning and impact on both large scale governmental aggregators, and the approximately 500,000 retail electric customers served by NOPEC.

Finally, based upon its unique status as the largest governmental aggregator in the State of Ohio, NOPEC submits that no current party represents its interests.

WHEREFORE, and for the reasons set forth above, NOPEC respectfully requests that the Commission grant its motion for leave to intervene, and allow NOPEC to intervene in this proceeding.

Respectfully submitted,



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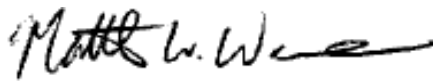
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## CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served upon the following parties of record by e-mail and/or regular U.S. mail, this 21<sup>st</sup> day of September 2012.



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Summary: Motion to Intervene and Memorandum in Support electronically filed by Teresa Orahod on behalf of Northeast Ohio Public Energy Council