

FILE

BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

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In the Matter of the Establishment of Electronic)	
Exchange Standards and Uniform Business)	Case No. 00-813-EL-EDI
Practices for the Electric Utility Industry)	
In the Matter of the following Applications)	
To Establish Alternatives to Minimum)	
Stay Restrictions for Residential and)	
Small Commercial Customers:)	
Monongahela Power Company)	Case No. 01-1817-EL-ATA
Dayton Power and Light Company)	Case No. 01-1938-EL-ATA
The Cincinnati Gas & Electric Company)	Case No. 01-2053-EL-ATA
Columbus Southern Power Company)	Case No. 01-2097-EL-ATA
Ohio Power Company)	Case No. 01-2098-EL-ATA
Ohio Edison Company)	Case No. 01-2677-EL-ATA
Toledo Edison Company)	Case No. 01-2678-EL-ATA
Cleveland Electric Illuminating Company)	Case No. 01-2679-EL-ATA

MOTION OF
INDUSTRIAL ENERGY USERS-OHIO
TO INTERVENE AND MEMORANDUM IN SUPPORT

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June 11, 2002

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MOTION TO INTERVENE

The Industrial Energy Users-Ohio's ("IEU-OH") hereby respectfully moves the Public Utilities Commission of Ohio ("Commission"), pursuant to Section 4903.221, Revised Code, and Rule 4901-1-11, Ohio Administrative Code, for leave to intervene in the above-captioned matters with the full powers and rights granted, by the Commission specifically, by statute or by the provisions of the Ohio Administrative Code, to intervening parties.

On March 21, 2002, the Commission issued an Entry which continued the moratorium on the imposition of any minimum stay requirements upon residential or small commercial customers returning to standard offer service until May 16, 2003.

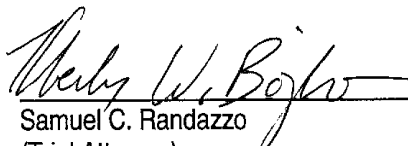
On April 19, 2002, Applications for Rehearing were filed by FirstEnergy Corp., on behalf of its operating companies, (collectively, "FirstEnergy") and the Cincinnati Gas & Electric Company ("CG&E"). On May 16, 2002, the Commission granted rehearing for the limited purpose of conducting a hearing on June 18, 2002, to receive evidence and expert testimony regarding the switching and returns of residential and small commercial customers, and the financial impacts of such events. Although the Commission's May 16, 2002 Entry seems to limit the scope of the hearing to the minimum stay requirements associated with residential and small commercial customers, the testimony filed to date seems to discuss much broader policy issues (e.g., the rate freeze, competitive wholesale and retail electricity markets, and cost recovery). These broad policy issues reach beyond the purview of residential and small commercial customers and include the interests of all customers.

On June 7, 2002, *via* electronic correspondence, the Attorney Examiner directed any party wishing to participate in the evidentiary hearing to file an intervention by June 11, 2002. Given the overarching policy concerns that could affect all customers and consistent with the Attorney Examiner's directive, IEU-OH is hereby moving to intervene in these proceedings to protect its interests.

As demonstrated further in the Memorandum in Support attached hereto and incorporated herein, IEU-OH has a direct, real, and substantial interest in the issues and matters involved in the above-captioned proceedings, and is so situated that the disposition of these proceedings may, as a practical matter, impair or impede its ability to protect that interest.

IEU-OH believes that its participation in these proceedings will not cause undue delay, will not unjustly prejudice any existing party, and will contribute to the just and expeditious resolution of the issues and concerns raised in these proceedings. The interest of IEU-OH will not be adequately represented by other parties to the proceedings and, as such, IEU-OH is entitled to intervene in these proceedings 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.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Samuel C. Randazzo", is written over a horizontal line.

Samuel C. Randazzo

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MEMORANDUM IN SUPPORT

In support of this Motion to Intervene, IEU-OH states that it is an association of ultimate customers. A current listing of IEU-OH member companies is available on IEU-OH's website at <http://www.mwncmh.com/ieu/member.htm>. IEU-OH's members purchase substantial amounts of electric and related services from the Ohio electric distribution utilities ("EDUs") subject to the jurisdiction of the Commission.

IEU-OH's members work together to address matters that affect the availability and price of utility services. Additionally, IEU-OH seeks to promote customer-driven policies that will assure an adequate, reliable, and efficient supply of energy for all consumers at competitive prices. To this end, IEU-OH has worked and will continue to

work to produce legislative, regulatory, and market outcomes that are consistent with the state policy contained in Section 4928.02, Revised Code.

Moreover, IEU-OH members have been and continue to be active participants in state and federal regulatory proceedings concerning Ohio's electric utilities, including the proceedings regarding the EDUs' Transition Plans and the OSPO Taskforce, which were both mandated by Amended Substitute Senate Bill No. 3.

IEU-OH's involvement in the OSPO proceedings dates back to the creation of the OSPO Taskforce. IEU-OH was a signatory to the May 15, 2000 Stipulation filed in these proceedings by the OSPO participants, which addressed a variety of operational support issues focusing on the development of an effective competitive electric market.¹

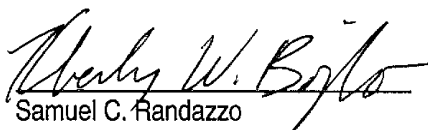
As a signatory to the OSPO Stipulation and an active participant in the OSPO Taskforce, IEU-OH has a direct and substantial interest in any modifications to the settlement or to the EDUs' Transition Plans that may directly or indirectly impact the provision of electric service to IEU-OH members' manufacturing facilities. Specifically, IEU-OH's direct interest in these proceedings is the result of the effect that these proceedings will have upon the formation of a dynamically efficient generation market that must be functioning robustly by no later than December 31, 2005 (as required by Chapter 4928, Revised Code) to protect and promote the public interest. IEU-OH's interest in these proceedings is also the result of the effect that these proceedings may have upon the price, adequacy, and reliability of the electric supply and related services within Ohio. Restructuring Ohio's electric industry comes with a customer-driven mandate from the General Assembly to produce outcomes that will provide all

¹ See Stipulation and Recommendation, *In the Matter of the Establishment of Electronic Exchange Standards and Uniform Business Practices for the Electric Utility Industry*, Case No. 00-813-EL-EDI (May 15, 2000).

customers with convenient access to the benefits (lower prices, better service, and new products) of effective competition. Issues resolved in these proceedings will directly affect the opportunity for customers served by the EDUs to capture these benefits. Issues resolved in these proceedings will indirectly affect the opportunity for customers served by interconnected utilities to obtain convenient, comparable, and non-discriminatory access to alternative suppliers of reliable generation services. These types of issues directly impact the prices that all customers will ultimately pay. Thus, IEU-OH member companies with a direct and substantial interest in these proceedings include all of its members.

For the aforementioned reasons, IEU-OH has a direct, real, and substantial interest in the issues and matters involved in the above-captioned proceedings that will only be protected by its participation in these proceedings. Therefore, IEU-OH hereby requests that the Commission grant its intervention 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.

Respectfully submitted,

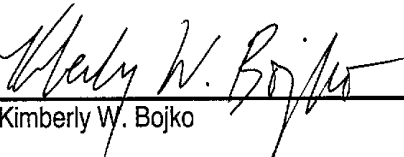


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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing *Motion of the Industrial Energy Users-Ohio to Intervene and Memorandum in Support* was served upon the following parties of record this 11th day of June 2002, via first class mail, postage prepaid, or hand-delivered. I also certify that a copy of the foregoing document was served on all other OSPO participants by sending a copy of the document to the OSPO ListServe server by electronically transmitting the document to ospo@pucolists.state.oh.us this 11th day of June 2002.


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