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VIA OVERNIGHT MAIL

November 14, 2002

Public Utilities Commission of Ohio
PUCO Docketing
180 E. Broad Street, 10th Floor
Columbus, Ohio 43215

In re: Case No. 02-2877-EL-UNC

Dear Sir/Madam:

Please find enclosed an original and twenty (20) copies of the Petition to Intervene of The Kroger Co. filed in the above-referenced matter.

Copies have been served on all parties on the attached certificate of service. Please place this document of file.

Respectfully yours,



Michael L. Kurtz, Esq.
BOEHM, KURTZ & LOWRY

MLK:lev
Encl.

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CERTIFICATE OF SERVICE

I hereby certify that true copy of the foregoing was served by electronic mail, unless otherwise noted, this 14th day of November, 2002 to the following:

FIRSTENERGY CORP.
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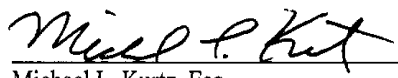
**BEFORE THE
PUBLIC UTILITY COMMISSION OF OHIO**

In The Manner of the Application of FirstEnergy Corp. on Behalf : Case No. 02-2877-EL-UNC
of Ohio Edison Company, The Cleveland Electric Illuminating Company :
and The Toledo Edison Company for Approval of Tariff Adjustments :

**THE KROGER COMPANY'S
MOTION FOR LEAVE TO INTERVENE**

Pursuant to the Ohio Rev. Code §4903.22.1 and Ohio Admin. Code §4901-1-11, the Kroger Company ("Kroger") moves for leave to intervene in this proceeding. The Public Utility Commission of Ohio ("Commission") should grant Kroger leave to intervene because Kroger has a real and substantial interest in the proceeding, and the Commission's disposition of this proceeding may impair or impede Kroger's ability to protect that interest.

Respectfully submitted,



Michael L. Kurtz, Esq.
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November 13, 2002

COUNSEL FOR THE KROGER COMPANY

**BEFORE THE
PUBLIC UTILITY COMMISSION OF OHIO**

In The Manner of the Application of FirstEnergy Corp. on Behalf : Case No. 02-2877-EL-UNC
of Ohio Edison Company, The Cleveland Electric Illuminating Company :
and The Toledo Edison Company for Approval of Tariff Adjustments :

**MEMORANDUM IN SUPPORT OF
THE KROGER COMPANY'S
MOTION TO INTERVENE**

Pursuant to Ohio Rev. Code §4903.22.1 and Ohio Admin. Code §4901-01-11, the Public Utility Commission of Ohio ("Commission") should grant The Kroger Company ("Kroger") leave to intervene in this proceeding.

FirstEnergy Corp. on behalf of Ohio Edison Company, The Cleveland Electric Illuminating Company and The Toledo Edison Company (collectively "FirstEnergy") requested approval of modifications to its shopping credits. Their application was submitted pursuant to the Stipulation and Recommendation ("Stipulation") and the Supplemental Settlement Materials filed respectively, on April 17, 2000 and May 9, 2000, in Case No. 99-1212-EL-ETP which were approved by the Commission in its Opinion and Order of July 19, 2000. FirstEnergy has requested that the Commission reduce its existing shopping credits for the years 2003, 2004 and 2005.

Kroger is a signatory party to the Stipulation. Kroger is purchasing approximately 100,000,000 kWh of its load on the FirstEnergy system from certified suppliers. Any reduction in the existing shopping credits would harm Kroger financially.

No other party to this proceeding would adequately represent Kroger's interest. Intervention would not unduly delay the proceeding nor unjustly prejudice any existing party.

Accordingly, Kroger has a real and substantial interest and is entitled to intervene in this action under Ohio Rev. Code §4903.22.1 and Ohio Admin. Code §4901-1-11.

Respectfully submitted,



Michael L. Kurtz, Esq.

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November 14, 2002

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