

ORIGINAL

IN THE SUPREME COURT OF OHIO

IN THE MATTER OF MARTIN)	
MARIETTA MAGNESIA SPECIALTIES,)	CASE NO. 09-1064
LLC,)	
)	On Appeal From
Appellant,)	The Public Utilities
)	Commission of Ohio
v.)	
)	Public Utilities Commission of Ohio
THE PUBLIC UTILITIES COMMISSION)	Case No. 08-0893-EL-CSS
OF OHIO,)	
)	
Appellee.		

APPLICATION OF THE TOLEDO EDISON COMPANY FOR LEAVE
TO INTERVENE AS APPELLEE

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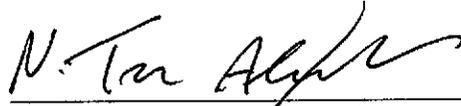
APPLICATION OF THE TOLEDO EDISON COMPANY FOR LEAVE
TO INTERVENE AS APPELLEE

The Toledo Edison Company (“Applicant”) respectfully applies to this Honorable Court for leave to intervene in this case as a party appellee. Applicant is a real party in interest in the subject matter of this appeal, which seeks to reverse an order issued by the Public Utilities Commission of Ohio (“Commission”) on February 19, 2009, and an entry on rehearing issued by the Commission on April 15, 2009, in PUCO Case No. 08-0893-EL-CSS. The order of February 19, 2009, made findings of fact and conclusions of law concerning a supply contract to which Applicant and Appellant were parties. The contract terminated, as mandated by an Opinion and Order issued by the Commission on January 4, 2006 in Case No. 05-1125-EL-ATA, on Appellant’s meter read date in February 2008. Appellant’s complaint below sought an order from the Commission directing Applicant to continue to offer special discounted pricing to Appellant through the end of 2008.

Applicant actively participated as a party in the proceeding below as the respondent. The Applicant's business and financial interests are directly and materially affected by the subject matter of this appeal. It is, therefore, a real party in interest in the subject matter of this appeal.

WHEREFORE, Applicant respectfully prays that it be granted full status in this appeal as an intervening appellee.

Respectfully submitted,



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CERTIFICATE OF SERVICE

A copy of the foregoing Application was sent by regular U.S. Mail, postage pre-paid, this

25 th day of June, 2009, upon the following counsel of record:

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