

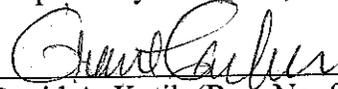
Richard Michael Dewine (Reg. No. 0009181)
Attorney General of Ohio
180 East Broad Street, 9th Floor
Columbus, Ohio 43215-3793
Telephone: 614-466-4397
Facsimile: 614-466-8764

COUNSEL FOR APPELLEE
THE PUBLIC UTILITIES COMMISSION OF OHIO

Ohio Edison Company ("Ohio Edison") hereby moves for leave to intervene as intervening Appellee in this matter. This case is before the Court on the appeal by Thomas and Derrell Wilkes ("Appellants") from the Commission's February 23, 2011 Entry and April 5, 2011 Entry on Rehearing in Case No. 09-682-EL-CSS. The Commission proceeding involved a complaint brought by Appellants against Ohio Edison. The Complaint sought to have the Commission order Ohio Edison to relocate a 69 kilovolt transmission line, beneath which Appellants had constructed a swimming pool and storage shed. This construction violated Ohio Edison's easement across Appellants' property. In recent other litigation before the Mahoning County Court of Common Pleas, the court held that under the plain language of that easement, Appellants were required to move those structures, and accordingly the court ordered Appellants to do so. The Seventh District Court of Appeals denied a stay of that order, and Appellants subsequently have agreed to remove those structures by June 10, 2011. In the Commission's orders that are the subject of this appeal, the Commission held that it lacked jurisdiction over this dispute. As a party to both the Commission proceeding below and the state court litigation, Ohio Edison was directly affected by the Commission's orders and is directly affected by the appeal of those orders. Moreover, this appeal seeks to overturn those orders so as to achieve a result that would be contrary to Ohio Edison's interest. Absent a grant of intervention, Ohio Edison's ability to protect this real and substantial interest may be impaired or impeded, and the Court will not have the benefit from hearing from Ohio Edison, whose practices are at issue in this proceeding. Finally, neither Appellants nor the Commission can adequately represent Ohio Edison's interests in this proceeding.

WHEREFORE, Ohio Edison respectfully requests that the Court grant it leave to intervene as intervening Appellee in this proceeding.

Respectfully submitted,



David A. Kutik (Reg. No. 0006418)

(Counsel of Record)

JONES DAY

North Point

901 Lakeside Avenue

Cleveland, Ohio 44114

Telephone: 216-586-3939

Facsimile: 216-579-0212

E-mail: dakutik@jonesday.com

Douglas R. Cole (Reg. No. 0070665)

Grant W. Garber (Reg. No. 0079541)

JONES DAY

Mailing Address:

P.O. Box 165017

Columbus, Ohio 43216-5017

Street Address:

325 John H. McConnell Blvd., Suite 600

Columbus, Ohio 43215-2673

Telephone: 614-469-3939

Facsimile: 614-461-4198

E-mail: drcole@jonesday.com

gwggarber@jonesday.com

COUNSEL FOR INTERVENING APPELLEE

OHIO EDISON COMPANY

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion of Ohio Edison Company for Leave to Intervene as Appellee was delivered to the following via regular U.S. mail this 13th day of May,

2011:

Brett M. Mancino
1360 East Ninth Street
1000 IMG Center
Cleveland, Ohio 44114

Richard Michael Dewine
Ohio Attorney General
c/o Public Utilities Section
180 East Broad Street, 9th Floor
Columbus, Ohio 43215-3793



COUNSEL FOR INTERVENING APPELLEE
OHIO EDISON COMPANY