

ORIGINAL

IN THE SUPREME COURT OF OHIO

PILKINGTON NORTH AMERICA, INC.,)	
)	CASE NO. 2013-0709
Appellant,)	
)	On Appeal From
v.)	The Public Utilities
)	Commission of Ohio
THE PUBLIC UTILITIES COMMISSION)	
OF OHIO,)	Public Utilities Commission of Ohio
)	Case No. 08-255-EL-CSS
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
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The Toledo Edison Company (“Toledo Edison”) respectfully applies to this Honorable Court for leave to intervene in this case as a party appellee. Toledo Edison is a real party in interest in the subject matter of this appeal, which seeks to reverse an entry issued by the Public Utilities Commission of Ohio (“Commission”) on January 23, 2013, and an entry on rehearing issued by the Commission on March 20, 2013, in PUCO Case No. 08-255-EL-CSS. The Appellant, Pilkington North America, Inc. (“Pilkington”) and various other companies filed complaints against Toledo Edison challenging its termination in February 2008 of its special contracts with Pilkington and the other companies. The Commission consolidated the complaints and issued an order in February 2009 finding that the special contracts did terminate in February 2008. The other companies, but not Pilkington, appealed the decision to this Court, which overturned the Commission’s February 2009 order. The Commission’s January 23, 2013 order made findings of fact and conclusions of law concerning whether Pilkington was entitled to Rule 60(B) relief from the Commission’s February 2009 order.

Toledo Edison actively participated as a party in the proceeding below as the respondent. Toledo Edison'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, Toledo Edison 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
22nd day of July, 2013, upon the following counsel of record:

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