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LSC



*The*  
**Legal Aid Society**  
*of Cleveland*  
*Since 1905*

March 6, 2007

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**SUBJECT: In the Matter of the Self-Complaint of Columbus Southern Company and Ohio Power Company Concerning the Implementation of Programs to Enhance Their Currently reasonable level of Distribution Service Reliability.**  
**Case No. 06-222-EL- SLF**

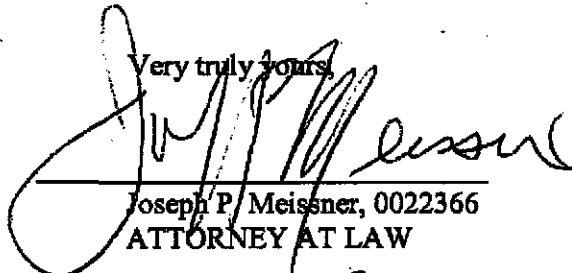
**Dear friends:**

We are faxing this Motion to Intervene, Memorandum in Support and Motion in Opposition regarding the above referenced matter. Please file it today. We are mailing by overnight express the original and requisite copies. Other parties are being served by First Class Mail, postage prepaid.

We have also enclosed an envelope addressed back to us. Please time-stamp one of the enclosed copies and return this to us.

Let us know of any problems.

Very truly yours,

  
Joseph P. Meissner, 0022366  
ATTORNEY AT LAW

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Self-Complaint of )  
Columbus Southern Power Company and )  
Ohio Power Company Concerning the )  
Implementation of Programs to Enhance Their )  
Currently Reasonable Level of Distribution Service )  
Reliability ) Case No. 06-222-EL-SLF  
Applicant )  
 )  
 )

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**MOTION TO INTERVENE ON BEHALF OF THE NEIGHBORHOOD  
ENVIRONMENTAL COALITION AND CONSUMERS FOR FAIR UTILITY  
MEMORANDUM IN SUPPORT**

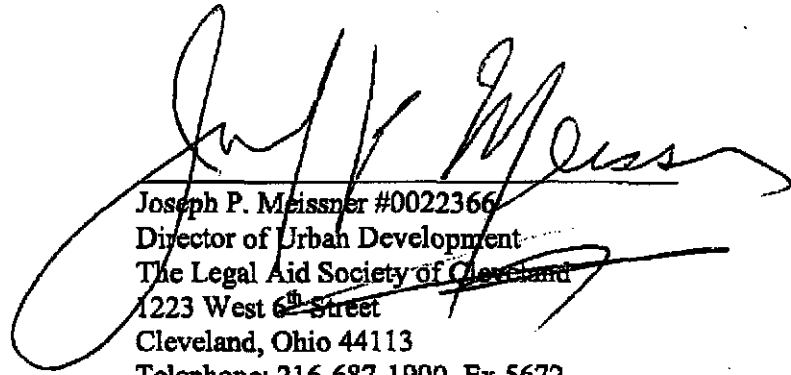
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Now comes The Neighborhood Environmental Coalition and the Coalition for Fair Utility(hereinafter "Coalition"), who, through their counsel, hereby Move to Intervene in the above-captioned matter pursuant to Ohio Law, the Rules and Regulations pertaining to the Public Utilities Commission of Ohio, and the relevant case law.

Coalition specifically seeks the full powers and rights granted by the Commission specifically, by statute and by the provisions of the Ohio Administrative Code to intervening parties.

The reasons for granting this Motion are contained in the Memorandum in Support attached hereto and hereby incorporated herein.

Respectfully submitted,



Joseph P. Meissner #0022366  
Director of Urban Development  
The Legal Aid Society of Cleveland  
1223 West 6<sup>th</sup> Street  
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Counsel for:  
The Neighborhood Environmental Coalition and  
Citizens for Fair Utility Rates

**MEMORANDUM IN SUPPORT OF MOTION TO INTERVENE**

Coalition should be permitted to intervene in this matter pursuant to CivR. 24 and Rule 4901 - 1 - 11 OHIO ADMINISTRATIVE CODE. Coalition specifically meets the criteria for intervention pursuant to OAC 4901 - 1 - 11(A)(2) and (B).

In support of this Motion to Intervene, Coalition notes that they are citizens groups whose members and supporters are seriously affected by the PUCO's decisions. Given the gravity of the current situation and the adverse consequences it could have on poor as well as moderate income families, it is incumbent upon the PUCO to grant Coalition intervention in this matter.

Coalition's distinguished history of serving low-income families warrants its involvement in this case. Coalition has been in existence for over twenty-five years, working especially in neighborhoods surrounding the industrial valley of Cuyahoga County. It is dedicated "to protecting the created environment." It is committed to helping low income families meet their energy and heating needs in ways that will not harm the environment. They are concerned that American Electric Power Company and its affiliated distribution companies Columbus Southern Power and Ohio Power (hereinafter collectively AEP) request for an additional \$71 million to make repairs and up grade its equipment will set a precedent for other utilities to make similar requests. Such a precedent will have an effect upon moderate and low-income customers who already have difficulty in maintaining their electric utility service. The Coalition is also concerned that AEP can and does meet all of its environmental responsibilities under Federal and State Law.

The foremost reason that has motivated Coalition to seek intervention in this matter is their commitment to helping low-income families. Coalition is the only party in this matter that is exclusively devoted to representing the low income segment of the population. Coalition is concerned with the fairness, reasonableness, legality, and justice of AEP's proposals.

AEP has proposed that it be authorized to increase its current rates so that it can perform maintenance in order to provide reliable service to its customers. This is a reasonably sounding goal. However, the issue of how AEP has spent the money it has already collected for the purpose of maintenance to provide reliable service to customers under current rates is in question. There is evidence that AEP has collected nearly \$100 million from its customers since 1995 and has only spent \$3 million for maintenance of its distribution systems. Where has the all the money gone? Its customers continue to experience high average annual interruption rates of service. Underspending by AEP and its affiliated distribution companies creates doubt as to the necessity for additional funds. If the PUCO was to approve the rate increase request without first obtaining an explanation from AEP as to what happened to the unspent \$97 million dollars it has collected from customers, other utilities would be eager to take advantage of such irresponsible action for the benefit of their stockholders.

AEP's lack of concern for the trees and other vegetation growing on its customers' property is also a concern. The tree service with which AEP contracts for this service has a reputation for using the Attila the Hun approach to trimming trees. While this approach seems to be fairly common among such services retained by utilities it does not need to continue at the home owners expense.

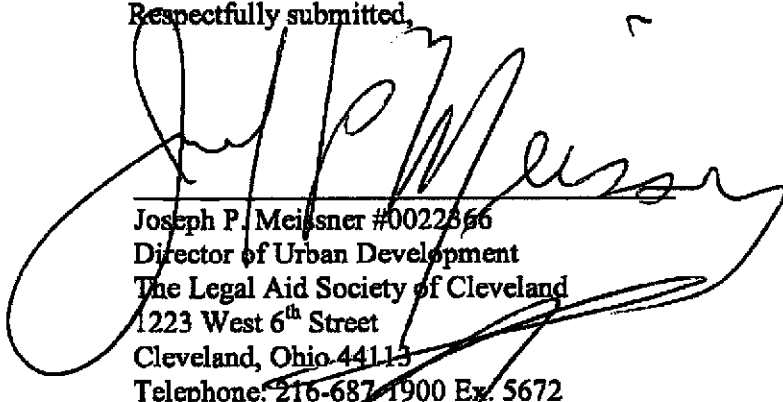
Thus, Coalition must be heard in this matter in order to protect the interest of low income families and individuals throughout the state of Ohio. While AEP does not service the

Cleveland area, a decision the decision in this matter may have president setting affects that can affect our constituents.

Coalition will follow all the administrative rulings in this proceeding and its intervention will not unreasonably delay these proceedings. Nor will its intervention unduly burden any other parties in this proceeding, or the Commission itself

Wherefore, Coalition respectfully requests that based on this Motion to Intervene, Coalition be recognized as a party in this case.

Respectfully submitted,

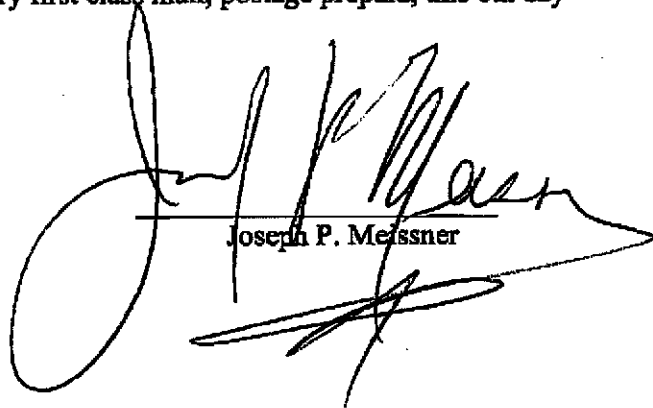


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Counsel for:  
The Neighborhood Environmental Coalition and  
Citizens for Fair Utility Rates

### NOTICE OF SERVICE

I hereby certify that a copy of the foregoing Motion and Memorandum were served upon the address of the parties listed below, by ordinary first class mail, postage prepaid, this 6th day of March, 2007:



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