

FILE

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BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO

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In the Matter of the Application of the Ohio )  
Department of Development for an Order )  
Approving Adjustments to the Universal )  
Service Fund Riders of Jurisdictional Ohio )  
Electric Distribution Companies )

Case No. 04-1616-EL-UNO

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**MOTION OF  
OHIO PARTNERS FOR AFFORDABLE ENERGY  
TO INTERVENE, MEMORANDUM IN SUPPORT  
AND MOTION TO PRACTICE PRO HAC VICE BEFORE THE  
COMMISSION**

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November 1, 2004

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**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of the Ohio )  
Department of Development for an Order ) Case No. 04-1816-EL-UNC  
Approving Adjustments to the Universal )  
Service Fund Riders of Jurisdictional Ohio )  
Electric Distribution Companies )

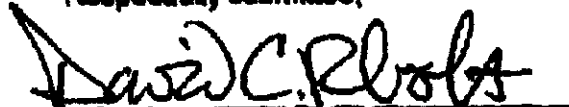
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**MOTION TO INTERVENE**

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Ohio Partners for Affordable Energy ("OPAE") hereby respectfully moves for leave to intervene in the above-captioned matter pursuant to R.C. 4903.221 and Section 4901-1-1-11 of the Commission's Code of Rules and Regulations, with full powers and rights granted, by the Commission specifically, by statute or by the provisions of the Commission's Code of Rules and Regulations, to intervening parties. The reasons for granting this motion are contained in the memorandum attached hereto and incorporated herein.

Respectfully submitted,



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**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of the Ohio )  
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**MEMORANDUM IN SUPPORT OF MOTION TO INTERVENE**

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Ohio Partners for Affordable Energy ("OPAE") should be permitted to intervene in these matters pursuant to Section 4903.221, Revised Code, and the Commission's Rules and Regulation, specifically Section 4901-01-11(B), Ohio Administrative Code. As required by those provisions, OPAE is a real party in interest herein, whose interest is not now represented, who can make a contribution to the proceeding and will not unduly delay the proceeding nor prejudice any existing party. In support of this Motion to Intervene, OPAE notes that as an Ohio corporation with a stated purpose of "advocating for affordable energy policies for low and moderate income Ohioans", it has a real and substantial interest in this proceeding. OPAE's membership includes non-profit profit organizations located in the service territories that will be affected by the changes in the Universal Service Fund ("USF") Rider, both as providers of services financed by the Fund and as individual customers of electric distribution utilities in the State of Ohio.

The Applicant seeks authority in this matter to alter the existing USF Rider in a manner that permits the collection of resources necessary to fund the bill

assistance and demand reduction programs that make up the consolidated low income customer assistance programs authorized by Amd. Sub. SB 3.<sup>1</sup> OPAE members serve a variety of roles as grantees and contractors of the Ohio Department of Development (ODOD) in the operation of these programs including, but not limited to: client intake; client counseling; providing consumer education services; providing emergency bill assistance; providing targeted energy efficiency services; and, other functions related to program operation. The level of funding provided to these agencies to, in turn, provide service to eligible low income households, will be directly affected by the decisions made in this matter. In addition, OPAE members are electric customers and will be subject to the USF Riders approved in this case.

For the above reasons, OPAE has a direct, real and substantial interest in this proceeding. This matter will have a major impact on the adequacy of funding for the USF Programs, the affordability of electric service for low-income households, and the long-term costs of the USF Program. These are all critical issues on which OPAE has a unique perspective and can contribute to the prompt resolution of this matter. The disposition of this proceeding may impair or impede the ability of OPAE to protect its interests.

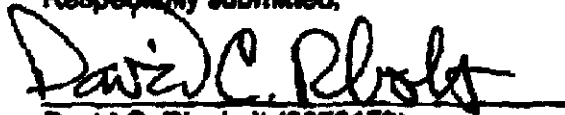
OPAE's participation in these proceedings will not cause undue delay, will not unjustly prejudice any existing party, and will contribute to the just and expeditious resolution of the issues and concerns raised in these proceedings. Furthermore, other parties to the proceedings will not adequately represent the interests of OPAE. Therefore, OPAE is entitled to intervene in these proceedings with the full powers and rights granted, by the Commission specifically, by

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<sup>1</sup> The low-income customer assistance programs are defined in Section 4928.01(16), Revised Code. The legislative framework for the program is contained in Sections 4928.51 through 4928.58, Revised Code.

statute, and by the provisions of the Commission's Codes of Rules and Regulations, to intervening parties.

Respectfully submitted,



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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Motion to Intervene and Memorandum of Support and the attached Motion to Admit was served by regular U.S. Mail, postage prepaid, upon the parties of record identified below in this case on this 1st day of November 2003.



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