

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

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-UNC

**MOTION OF
INDUSTRIAL ENERGY USERS-OHIO
TO INTERVENE AND MEMORANDUM IN SUPPORT**

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November 2, 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. 04-1618-EL-UNC
Approving Adjustments to the Universal)	
Service Fund Riders of Jurisdictional Ohio)	
Electric Distribution Companies.)	

MOTION TO INTERVENE

Now comes the Industrial Energy Users-Ohio ("IEU-Ohio") and, pursuant to Section 4903.221, Revised Code, and Rule 4901-1-11, Ohio Administrative Code, respectfully moves for leave to intervene in the above-styled proceeding as a full party of interest for the reasons set forth in the attached Memorandum In Support.

Respectfully submitted,



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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. 04-1616-EL-UNC
Approving Adjustments to the Universal)	
Service Fund Riders of Jurisdictional Ohio)	
Electric Distribution Companies.)	

MEMORANDUM IN SUPPORT

IEU-Ohio is an association of large end-use energy consumers. A current listing of IEU-Ohio member companies is available on IEU-Ohio's website at <http://www.ieu-ohio.org>. IEU-Ohio's members are subject to the Universal Service Fund Rider rates for which adjustments are sought in this proceeding.


Consistent with the requirements of Section 4903.221, Revised Code, and Rule 4901-1-11(B), Ohio Administrative Code, IEU-Ohio 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 or prejudice any existing party. The Applicant seeks authority in this proceeding to adjust the Universal Service Fund ("USF") Rider rates imposed on all customers of Ohio's electric distribution companies, including IEU-Ohio, for the purpose of funding, *inter alia*, the Percentage of Income Payment Plan Program and certain low-income energy efficiency programs. Applicant's proposal results in substantial increases to some of the USF Rider rates charged to IEU-Ohio members. This potential vests IEU-Ohio with a direct, real, and substantial interest in the issues and matters

involved in the above-captioned proceeding, the disposition of which may impair or impede its ability to protect that interest.

IEU-Ohio submits that its interest is not represented by existing parties, that it will contribute to the just and expeditious resolution of the issues and concerns raised in this proceeding, and that its participation in this proceeding will not cause undue delay or unjustly prejudice any existing party.

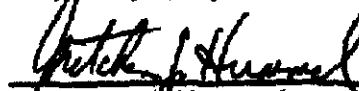
For the aforementioned reasons, IEU-Ohio has a direct, real, and substantial interest in the issues and matters involved in the above-captioned proceeding that will only be protected by its participation in this proceeding. Therefore, IEU-Ohio respectfully requests leave to intervene in this proceeding.

Respectfully submitted,


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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing *Motion of Industrial Energy Users-Ohio to Intervene and Memorandum in Support* was served upon the following parties of record this 2nd day of November, 2004, via electronic transmission, hand-delivery, or ordinary U.S. mail, postage prepaid.


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