

Charles Harak, Esq.

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FILE

RECEIVED-DOCKETING DIV

01 AUG 30 PM 12:15

PUCO

August 29, 2001

BY OVERNIGHT DELIVERY

Public Utilities Commission of Ohio
Docketing Division
180 East Broad Street
Columbus, Ohio 43215-3793

**RE: Applications of the Cincinnati Gas & Electric Company for an Increase
In Rates, for Approval of an Alternative Rate Plan, and for Approval
to Change Accounting Methods
Case Nos. 01-1228-GA-AIR; 01-1478-GA-ALT; 01-1539-GA-AAM**

To the Docketing Division:

Please find enclosed twenty (20) copies of the following documents for filing in the
above-referenced cases of Cincinnati Gas & Electric Company:

1. Motion to Intervene, Utility Workers Union of America and IUU, Local 600 of
the UWUA.
2. Memorandum in Support of Motion to Intervene.
3. Motion to Allow Charles Harak, Esq. to Practice *Pro Hac Vice*.

I hereby certify that I have duly served a copy of these documents on all parties listed on
the attached service list, this day, by first class mail.

Please call if you have any questions about this filing.

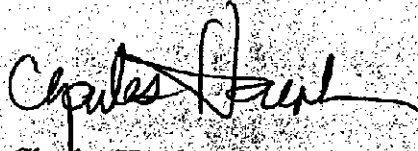
This is to certify that the images appearing are an
accurate and complete reproduction of a case file
document delivered in the regular course of business
Technician T.M.K. Date Processed 8.30.01

Also, please note that my office will be moving as of September 10, 2001. As of that date, my new address will be:

Charles Harak, Esq.
77 Summer Street, 10th floor
Boston, MA 02110

Thank you for your cooperation.

Sincerely,

A handwritten signature in dark ink, appearing to read "Charles Harak", with a stylized flourish at the end.

Charles Harak
Counsel for UWUA and Local 600

cc: Parties on service list

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of the
Cincinnati Gas & Electric Company
for an Increase in Its Gas Rates

CASE NO. 01-1228-GA-AIR

In the Matter of the Application of the
Cincinnati Gas & Electric Company
for Approval of an Alternative Rate Plan
for Its Gas Distribution Service

CASE NO. 01-1478-GA-ALT

In the Matter of the Application of the
Cincinnati Gas & Electric Company
for Approval to Change Accounting Methods

CASE NO. 01-1539-GA-AAM

**MOTION TO INTERVENE, UTILITY WORKERS UNION OF AMERICA
AND IUU, LOCAL 600 OF THE UWUA**

In accordance with the Commission's Administrative Provisions, OAC 4901-1-1, the
Utility Workers Union of America ("UWUA") and IUU, Local 600 of the UWUA move that they
be allowed to intervene as a full parties in the three applications of Cincinnati Gas & Electric
Company cited above. UWUA and Local 600 are separately filing a Memorandum in Support
of this motion.

Respectfully Submitted,



Charles Harak, Esq.

18 Tremont Street, 4th floor

Boston, MA 02108-2336¹

617 742-5554 (ph)

617 523-8010 (fax)

charak@nclc.org

DATED: August 29, 2001

¹ As of September 10, 2001, the new address will be: 77 Summer Street, Boston, MA
02111

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO - DOCKETING DIV

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Cincinnati Gas & Electric Company
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Cincinnati Gas & Electric Company
for Approval to Change Accounting Methods

CASE NO. 01-1539-GA-AAM

**MEMORANDUM IN SUPPORT OF
MOTION TO INTERVENE, UTILITY WORKERS UNION OF AMERICA
AND IUU, LOCAL 600 OF THE UWUA**

In accordance with Ohio R.C. §4903.221 and the Commission's Administrative Provisions, OAC 4901-1-1, the Utility Workers Union of America ("UWUA") and IUU, Local 600 of the UWUA ("Local 600") file this memorandum in support of their motion to intervene.

I. PARTIES

UWUA is a national union that represents 50,000 workers employed by gas, electric and water companies across the United States. It maintains business offices at 815 16th Street NW in Washington, D.C. and at 220 Forbes Road in Braintree, Massachusetts. UWUA has intervened in a number of utility regulatory proceedings in Ohio, Massachusetts, New York, California, and other states.

Local 600 is based in Cincinnati and represents approximately 700 workers employed by Cincinnati Gas & Electric Company ("CGE") in the areas of customer service, meter reading,

billing, facilities maintenance, and gas engineering. Many members of Local 600 are also customers of CGE.

II. INTEREST OF UWUA AND LOCAL 600

UWUA and Local 600 have a real and substantial interest in the present proceeding. No other party can adequately represent their interests. OAC 4901-1-11(A)(2).

On behalf of its members who are customers, Local 600 is concerned that CGE has proposed an alternative rate plan that would allow it to collect funds from ratepayers, on a current basis, to pay for the replacement of cast iron and steel pipe mains. CGE's proposal will raise rates for all customers and should not be approved.

UWUA and Local 600 are also concerned that CGE, while proposing to raise its rates, is planning to relocate the handling of a significant portion of customer calls out of the state of Ohio. UWUA and Local 600 believe that this relocation will cause a decline in the quality of service that customers expect as well as result in a loss of jobs for Local 600 members. CGE should not be allowed to raise its rates if customer service will decline.

Cinergy One, an unregulated affiliate of Cinergy Corp (CGE's parent), has entered into an arrangement with MakeTheMove (MTM) under which Cinergy (through its distribution company subsidiaries such as CGE) will transfer to MTM calls from customers who are moving. MTM will then assist the customer with transferring cable, telephone and other services to the new address. UWUA and Local 600 believe that the arrangement with MTM has the potential to result in a cross-subsidization of MTM by distribution company customers and also to interfere with CGE's responsiveness to customers.

Finally, UWUA and Local 600 are concerned that CGE has recently closed one district

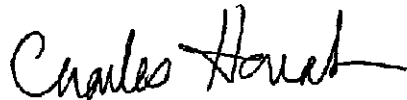
office in Loveland, Ohio and is considering the closure of other offices as well, to the detriment of customers who rely on access to the company through those offices.

No other party can represent these interests. The intervention of UWUA and Local 600 will contribute to a just and expeditious resolution of the issues before the Commission, through the information and arguments that these parties will present to the Commission. UWUA and Local 600 will abide by any schedule set in these cases, and their intervention therefore will not unduly delay the proceeding or unduly prejudice any party.

III. CONCLUSION

UWUA and Local 600 ask that their motion to intervene be granted.

Respectfully Submitted,



Charles Harak, Esq.
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charak@nclc.org

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**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

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CASE NO. 01-1228-GA-ALT **PUCO**

In the Matter of the Application of the
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CASE NO. 01-1478-GA-ALT

In the Matter of the Application of the
Cincinnati Gas & Electric Company
for Approval to Change Accounting Methods

CASE NO. 01-1539-GA-AAM

MOTION TO ALLOW CHARLES HARAK, ESQ. TO PRACTICE *PRO HAC VICE*


In accordance with the Commission's rules, OAC 4901-1-08, John Doll, Esq., an attorney licensed to practice in the State of Ohio, hereby moves that the Commission allow Charles Harak, Esq. to appear *pro hac vice* before it in the dockets referenced above, for the purpose of representing the Utility Workers Union of America ("UWUA") and IUU, Local 600 of UWUA ("Local 600").

In support of this motion, Mr. Doll notes that Mr. Harak is a graduate of the Northeastern University School of Law (1976) and a member of the bars of the Commonwealth of Massachusetts (BBO #221120), the United States District Court for the District of Massachusetts and the United States Court of Appeals, First Circuit. Mr. Harak has been practicing in the area of utility and regulatory law for more than twenty years and has appeared before utility commissions in Massachusetts, New York, New Hampshire and California.

WHEREFORE, Mr. Doll respectfully requests that this motion be granted and that Mr. Harak be allowed to appear for UWUA and Local 600 in these proceedings.

Respectfully submitted,

LOGOTHETIS, PENCE & DOLL



John R. Doll - 0020529
111 West First St., Suite 1100
Dayton, Ohio 45402-1156
(937) 461-5310

BEFORE THE PUBLIC UTILITIES COMMISSION ~~RECEIVED~~ DOCKETING DIV

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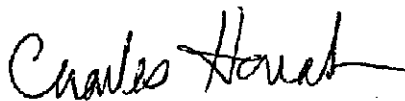
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