

FILE

FAX



The  
Legal Aid Society  
of Cleveland  
*Since 1905*

PUCO

2010 OCT 13 PM 3:56

RECEIVED-DOCKETING DIV

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

October 13, 2010

SUBJECT: In Re Case No. 10-200-GA-ATA

Dear friends,

We are faxing our Motion to Intervene for the above case. We are also sending the requisite copies and the original by overnight express mail.

We are including an extra copy to be time-stamped and returned to us. We have also enclosed an envelope addressed back to us.

Thank you.

Very truly yours,

JOSEPH P. MEISSNER, 0022366  
ATTORNEY AT LAW  
Counsel for Citizens Coalition

[www.lasclev.org](http://www.lasclev.org)

## Main Office

1223 West Sixth Street  
Cleveland, OH 44113

Phone: 216.687.1900  
Fax: 216.687.0779

## Ashtabula County

121 East Walnut Street  
Jefferson, OH 44047

Phone: 866.873.9665  
Fax: 440.576.3021

## Lake &amp; Geauga

8 North State St - Ste 300  
Painesville, OH 44077

Phone: 888.808.2800  
Fax: 440.352.0015

## Lorain County

538 West Broad St - Ste 300  
Elyria, OH 44035

Phone: 800.444.7348  
Fax: 440.323.8526

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 \_\_\_\_\_ Date Processed **OCT 13 2010**

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of The       )  
East Ohio Gas Company d/b/a Dominion       )  
East Ohio to File Revised Tariffs       ) Case No. 10-200-GA-ATA  
Extending Its Low Income Pilot Program       )

---

**MOTION TO INTERVENE AND COMMENTS  
BY  
THE CITIZENS COALITION**

---

**MOTION TO INTERVENE  
FILED ON BEHALF OF THE  
NEIGHBORHOOD ENVIRONMENTAL COALITION  
THE EMPOWERMENT CENTER OF GREATER CLEVELAND,  
CLEVELAND HOUSING NETWORK  
UNITED CLEVELANDERS AGAINST POVERTY,  
AND  
THE CONSUMERS FOR FAIR UTILITY RATES  
MEMORANDUM IN SUPPORT,  
AND  
COMMENTS**

---

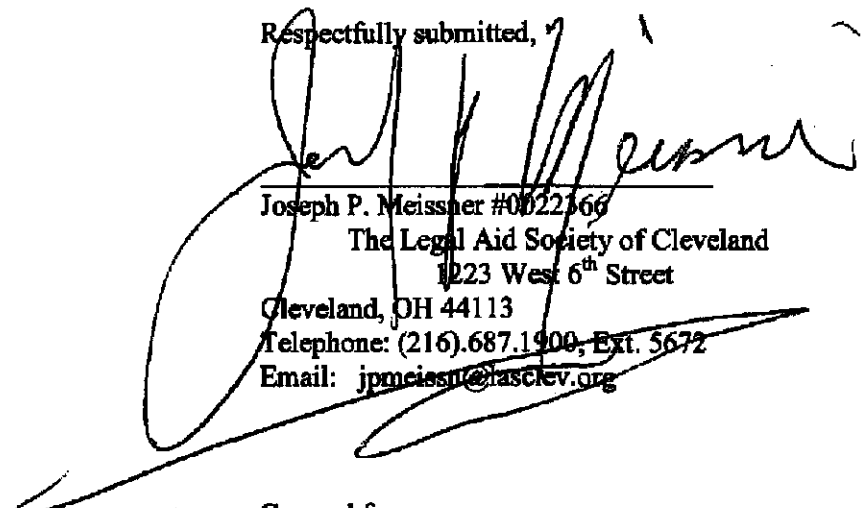
Now comes The Neighborhood Environmental Coalition (hereinafter  
"Coalition"), The Consumers for Fair Utility Rates (hereinafter "Consumers"), The  
Cleveland Housing Network (hereinafter "Network"), United Clevelanders against  
Poverty (hereinafter "Clevelanders"), and The Empowerment Center of Greater  
Cleveland (hereinafter "Center") who, through their counsel, hereby Move to Intervene in  
the above-captioned matters pursuant to Ohio Law, The Rules and Regulations pertaining  
to the Public Utilities Commission of Ohio, and the relevant case law. All five of the  
interveners are hereinafter referred to as "The Citizens Coalition."

The Citizens 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.

The Citizens Coalition also is filing some Comments concerning this proceeding and the Pilot Program.

Respectfully submitted,



Joseph P. Meissner #0022166  
The Legal Aid Society of Cleveland  
1223 West 6<sup>th</sup> Street  
Cleveland, OH 44113  
Telephone: (216).687.1900, Ext. 5672  
Email: [jpmcissn@lasclev.org](mailto:jpmcissn@lasclev.org)

Counsel for:  
Neighborhood Environmental Coalition,  
Consumers for Fair Utility Rates  
Cleveland Housing Network  
United Clevelanders Against Poverty  
and  
The Empowerment Center of  
Greater Cleveland

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of The )  
East Ohio Gas Company d/b/a Dominion )  
East Ohio to File Revised Tariffs ) Case No. 10-200-GA-ATA  
Extending Its Low Income Pilot Program )

---

**MEMORANDUM IN SUPPORT OF MOTION TO INTERVENE  
AND  
COMMENTS**

---

All five of the groups in the Citizens Coalition should be permitted to intervene in these matters pursuant to CivR. 24 and Rule 4901-1-11 OHIO ADMINISTRATIVE CODE. All five groups specifically meet the criteria for intervention pursuant to OAC 4901-1-11(A)(2) and (B).

On October 15, 2008, the PUCO submitted its Opinion and Order in the Dominion Rate Case, Case No. 07-829-GA-AIR. The Citizens Coalition was extremely concerned about that Order and Opinion because, contrary to much relevant public testimony, the Commission imposed the Straight Fixed Variable ("SFV") rate design. The Coalition was concerned that this rate design with its very high customer charges would hurt low income families who are low users and seek to conserve. The Commission ordered DEO to establish a Pilot Program, lasting one year and directed toward assisting low-income, low-use customers pay their bills

Now the Pilot Program is to be evaluated. The Citizens Coalition which is especially concerned about low-income families and their ongoing hardships at paying

burdensome DEO gas bills want to insure that a proper, comprehensive, and objective evaluation is conducted on this Pilot Program.

In support of its Motion to Intervene, the Citizens Coalition notes that they are citizens groups whose members and supporters are seriously affected by any PUCO decisions. Given the ongoing gravity of the current natural gas situation and the adverse consequences that increases have on poor as well as moderate income families, these groups want to insure that any program which could help these families receives a proper, comprehensive, and objective evaluation. It is therefore incumbent upon the PUCO to grant all five parties intervention in this matter.

All five groups in the Citizens Coalition have long and distinguished histories of PUCO involvement. They have always been concerned about any program and matter that affects low-income families which involves PUCO cases.

The Neighborhood Environmental 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. The Coalition especially wants the PUCO to carry out its mandate to provide for programs, including the Pilot Program and any extension of that program, that will help people conserve and will help protect our environment, including nonrenewable natural resources such as natural gas.

The Empowerment Center—formerly the Greater Cleveland Rights Organization—has participated in numerous PUCO proceedings over the past several decades on behalf of low-income customers. The Center is especially concerned with any Pilot Program whose extension and/or revision could help low income families. Living on very limited budgets, low-income

families need help from any program, such as the Pilot Program, that could help them retain their gas service.

The Empowerment Center has participated in past PUCO cases for various utilities. The Center has contributed to the outcomes of these cases and achieved successes in helping low-income families. It is crucial that the Center be allowed to participate in this current DEO case which includes an evaluation of the Pilot Program.

Citizens for Fair Utility Rates (CFFUR) has also been involved in PUCO proceedings for the last several years. Members of CFFUR have also been involved in PUCO proceedings dating back to the interventions by Low Income People Together (LIPT) in PUCO proceedings. CFFUR has contributed to the successful outcomes in PUCO matters and will insure that the perspectives and views of low-income customers are adequately presented in the current litigation.

Cleveland Housing Network has also participated in past PUCO proceedings. Through their efforts, funds have been obtained to help low-income families with weatherization and other energy efficiency measures. The Network also can provide much helpful testimony to the PUCO based upon their decades of experiences with low income families as well.

United Clevelanders Against Poverty, a fairly new group, is quite concerned about all aspects of utility regulation and programs as these impact the poor. They can be helpful in providing valuable insights on programs designed to assist low income families.

All five of these groups as part of the Citizens Coalition should be allowed to intervene in this proceeding. The Coalition is interested in a number of issues that seemingly are part of this case. See Comments below.

The foremost reason that has motivated Coalition, Center, Consumers, Poverty, and Network to seek intervention in this matter is their commitment to helping low-income families. They are the only parties in this matter that are exclusively devoted to representing the low income segment of the population. The Citizens Coalition is concerned with the fairness,

reasonableness, legality, and justice of DEO's Pilot Program, its implementation, its successes, and its failures.

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

R.C. 4903.221(B) states what criteria the PUCO must consider in ruling on motions to intervene:

- (1) The nature and extent of the prospective intervenor's interest;
- (2) The legal position advanced by the prospective intervenor and its probable relation to the merits of the case;
- (3) Whether the intervention by the prospective intervenor will unduly prolong or delay the proceeding; and
- (4) Whether the prospective intervenor will significantly contribute to the full development and equitable resolution of the factual issues.

The Citizens Coalition satisfies all four of these criteria. They certainly on behalf of low income families have a substantial interest in these proceedings and the evaluation of the Pilot Program. Their legal position they are advancing is to insure a proper, comprehensive, and objective evaluation of the Pilot Program. The Coalition has never acted to delay any proceeding and has in fact promoted expeditious action in PUCO cases. These organizations and their supporters, with their backgrounds, are uniquely placed to contribute to the full development and equitable resolution of the issues in this proceeding.

Wherefore, Coalition, Consumers, Network, Clevelanders and Center (The Citizens Coalition) respectfully request that based on this Motion to Intervene, Coalition, Consumers, Network, Clevelanders should be recognized as a parties in this case.

**COMMENTS**

The Citizens Coalition does have some initial comments.

First, the Coalition wants to insure that a proper, comprehensive, and objective evaluation is conducted on the Pilot Project.

Second, the Coalition urges the Commission to employ outside objective evaluators who can assist in the evaluation of the project

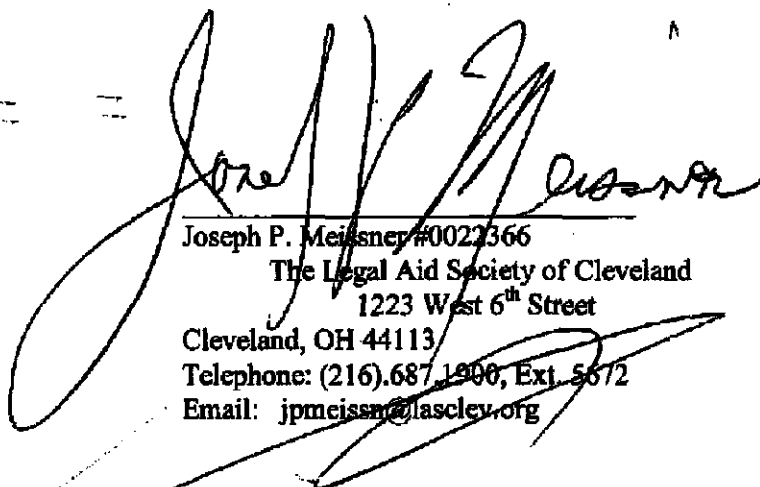
Third, Coalition urges that any evaluation of the pilot project should analyze any connections, whether positive or negative, between the Pilot Project, customers involved in this, the PIPP Program, and the peculiar rate design ordered in this case with its astronomically high customer charges.

Fourth, the evaluation also should examine the Pilot Project and any impact on conservation by low income families and low user families.

Fifth, the Citizens Coalition wants to be involved in all aspects of this evaluation. The Coalition thus requests that the PUCO establish processes to insure that the Citizens Coalition can be so involved.



Respectfully submitted,

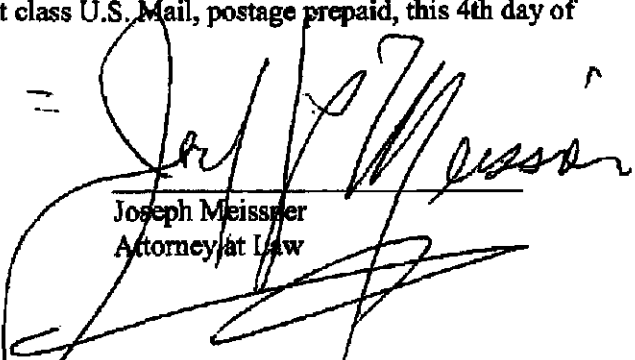
A large, stylized handwritten signature in black ink, which appears to read "Joseph P. Meissner". The signature is written over the printed name and address of the sender.

Joseph P. Meissner #0022366  
The Legal Aid Society of Cleveland  
1223 West 6<sup>th</sup> Street  
Cleveland, OH 44113  
Telephone: (216).687.1900, Ext. 5672  
Email: [jpmcissn@lasclcv.org](mailto:jpmcissn@lasclcv.org)

Counsel for:  
Neighborhood Environmental Coalition,  
Consumers for Fair Utility Rates,  
United Clevelanders Against Poverty  
Cleveland Housing Network  
and  
The Empowerment Center of  
Greater Cleveland

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of this *Motion to Intervene and Comments* was served on the persons stated below via first class U.S. Mail, postage prepaid, this 4th day of March, 2010.



Joseph Meissner  
Attorney at Law

**SERVICE LIST**

Mark Witt  
Carpenter, Lipps & Leland LLP  
280 Plaza Suite 1300  
280 North High Street  
Columbus, Ohio 43215

Duane Luckey  
Attorney General's Office  
Public Utilities Section  
180 East Broad Street, 6<sup>th</sup> Floor  
Columbus, Ohio 43215

Larry S. Sauer, Counsel of Record  
Assistant Consumers' Counsel

Office of the Ohio Consumers' Counsel  
10 West Broad Street, Suite 1800  
Columbus, Ohio 43215-3485  
(614) 466-8574 (Telephone)  
(614) 466-9475 (Facsimile)  
[sauer@occ.state.oh.us](mailto:sauer@occ.state.oh.us)