

In the Matter of the Commission's)
 Consideration of Solutions Concerning the)
 Disconnection of Gas and Electric Service) Case No. 21-750-GE-UNC
 in Winter Emergencies for the 2021-2022)
 Winter Heating Season.)

The Consumer Parties¹ move to intervene where the PUCO² is implementing the 2021/2022 “Winter Reconnect Order.” This order is intended to protect consumers by requiring the utilities to reconnect the services of those consumers who have had their service disconnected for nonpayment, or to prevent disconnection. The PUCO proposes that this Winter Reconnect Order will be effective from October 18, 2021 to April 15, 2022 for each gas, natural gas, and electric light company under the PUCO’s jurisdiction.

¹ Advocates for Basic Legal Equality, Inc., Legal Aid Society of Columbus, Office of The Ohio Consumers' Counsel, Ohio Poverty Law Center, Pro Seniors, Inc., & Southeastern Legal Services.

² The Public Utilities Commission of Ohio.

The Consumer Parties are filing on behalf of all the approximate 4.3 million Ohio residential electric and 3.5 million natural gas utility consumers who are eligible for protection from utility disconnection under the Winter Reconnect Order.³ The reasons the PUCO should grant the Consumer Parties' Motion are further set forth in the attached Memorandum in Support.

Respectfully submitted,

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³ See R.C. Chapter 4911, R.C. 4903.221, and Ohio Adm. Code 4901-1-11.

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In this proceeding, the Public Utilities Commission of Ohio (“PUCO”) proposes to implement its disconnection restrictions that protect consumers on October 18th, even though residential consumers need help *now*.

Consumer Parties that seek consumer protection for Ohio’s approximately 4.3 million Ohio residential electric and 3.5 million natural gas utility consumers through this Motion to Intervene are as follows: Office of the Ohio Consumers’ Counsel (“OCC”), Advocates for Basic Legal Equality, Inc. (“ABLE”), The Legal Aid Society of Columbus (“LASC”), Ohio Poverty Law Center (“OPLC”), ProSeniors, and Southeastern Ohio Legal Services (“SEOLS”).⁴

R.C. 4903.221 provides, in part, that any person “who may be adversely affected” by a PUCO proceeding is entitled to seek intervention in that proceeding. The interests of

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Ohio's residential consumers may be "adversely affected" by this case, especially if the consumers were unrepresented in a proceeding where the effective date of an essential consumer protection—the Winter Reconnect Order—is being implemented on October 18, instead of as soon as possible. Thus, this element of the intervention standard in R.C. 4903.221 is satisfied.

R.C. 4903.221(B) requires the Public Utilities Commission of Ohio ("PUCO") to consider the following criteria 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 proceedings;
- (4) Whether the prospective intervenor will significantly contribute to full development and equitable resolution of the factual issues.

First, the nature and extent of Consumer Parties' interest is representing Ohio's residential utility consumers in this case where the PUCO has set the Winter Reconnect Order effective date as October 18, 2021. The effective date is important this year because it dictates when consumers, who continue to face difficulties due to the coronavirus pandemic, will be able to utilize the Winter Reconnect Order protections. This interest is different from that of any other party and especially different from that of the utility whose advocacy includes the financial interest of stockholders.

Second, Consumer Parties' advocacy for residential consumers will include advancing the position that consumers are already facing health and financial losses due to the pandemic. And thousands of consumers could already be disconnected since the

protections from the last Winter Reconnection Order ended. They need reconnection help now. The Consumer Parties' position is therefore directly related to the merits of this case that is before the PUCO.

Third, Consumer Parties' intervention will not unduly prolong or delay the proceedings. The Consumer Parties, with their longstanding expertise and experience in PUCO proceedings and consumer protection advocacy will duly allow for the efficient processing of the case with consideration of the public interest.

Fourth, the Consumer Parties' intervention will significantly contribute to full development and equitable resolution of the factual issues. The Consumer Parties will obtain and develop information that the PUCO should consider for equitably and lawfully deciding the case in the public interest. This includes advocating for the need for additional data to be reported by the utilities—beginning no later than the effective date of the Winter Reconnection Order—regarding residential consumers who are disconnected or are facing disconnection and who need the special protections in the Winter Reconnection Order.

The Consumer Parties also satisfy the intervention criteria in the Ohio Administrative Code (which are subordinate to the criteria that Consumer Parties satisfy in the Ohio Revised Code). To intervene, a party should have a “real and substantial interest” according to Ohio Adm. Code 4901-1-11(A)(2). As advocates for residential utility consumers, the Consumer Parties have a very real and substantial interest in this case to determine when consumers can utilize the essential consumer protections provided by the Winter Reconnect Order.

In addition, the Consumer Parties meet the criteria of Ohio Adm. Code 4901-1-11(B)(1)-(4). These criteria mirror the statutory criteria in R.C. 4903.221(B) that the Consumer Parties already have addressed and that the Consumer Parties satisfy.

Ohio Adm. Code 4901-1-11(B)(5) states that the PUCO shall consider “The extent to which the person’s interest is represented by existing parties.” While the Consumer Parties do not concede the lawfulness of this criterion, the Consumer Parties satisfy this criterion in that OCC has been uniquely designated as the state representative of the interests of Ohio’s residential utility consumers. And the other Consumer Parties, though not specifically designated, also represent the interest of Ohio’s residential utility consumers. Together, Consumer Parties’ interest is different from, and not represented by, any other entity in Ohio.

Moreover, the Supreme Court of Ohio (“Court”) confirmed OCC’s right to intervene in PUCO proceedings, in deciding two appeals in which OCC claimed the PUCO erred by denying its interventions. The Court found that the PUCO abused its discretion in denying OCC’s interventions and that OCC should have been granted intervention in both proceedings.⁵ The other Consumer Parties have likewise been granted intervention with OCC in PUCO proceedings.

The Consumer Parties meet the criteria set forth in R.C. 4903.221, Ohio Adm. Code 4901-1-11, and the precedent established by the Supreme Court of Ohio for intervention. On behalf of Ohio residential consumers, the PUCO should grant the Consumer Parties’ Motion to Intervene.

⁵ See *Ohio Consumers’ Counsel v. Pub. Util. Comm.*, 111 Ohio St.3d 384, 2006-Ohio-5853, ¶¶13-20.

Respectfully Submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a copy of this Motion to Intervene was served on the persons stated below via electronic transmission, this 7th day of October 2021.

/s/ Ambrosia E. Wilson
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The PUCO's e-filing system will electronically serve notice of the filing of this document on the following parties:

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Summary: Motion Joint Motion to Intervene by Advocates for Basic Legal Equality, Inc., The Legal Aid Society of Columbus, Office of The Ohio Consumers' Counsel, Ohio Poverty Law Center, Proseniors, Inc., Southeastern Ohio Legal Services electronically filed by Mrs. Tracy J. Greene on behalf of Wilson, Ambrosia E.