

6

file

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of Columbus
Southern Power Company for Approval of
an Electric Transition Plan and Application
for Receipt of Transition Revenues

RECEIVED-REGULATING DIV
Case No. 99-1729-EL-ETP
00 MAY -3 PM 3:30

PUCO

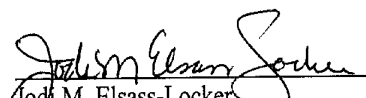
In the Matter of the Ohio Power Company for
Approval of Electric Transition Plan and
Application for Receipt of Transition Revenues

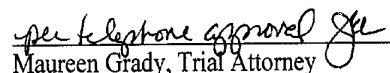
Case No. 99-1730-EL-ETP

**MOTION TO INTERVENE OF THE
OHIO DEPARTMENT OF DEVELOPMENT
AND MEMORANDUM IN SUPPORT**

The Ohio Department of Development ("ODOD") hereby moves for leave to intervene in the above-captioned matter pursuant to R.C. 4903.221 and Section 4901-1-11 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,


Jodi M. Elsass-Locker,
Asst. Attorney General
Co-counsel for the Ohio Department of
Development
77 South High Street, 29th Floor
Columbus, Ohio 43215
(614) 644-9605


Maureen Grady, Trial Attorney
369 South Roosevelt Avenue
Columbus, Ohio 43209
(614) 231-3614

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 Ann M. Hix Date Processed May 5, 2000

MEMORANDUM IN SUPPORT OF MOTION TO INTERVENE

The Director of Development and the Ohio Department of Development (hereinafter collectively referred to as "ODOD") should be permitted to intervene in these matters pursuant to Section 4903.221 of the Revised Code and the Commission's Rules of Practice contained in Section 4901-1-11 of the Ohio Administrative Code. In support of the Motion to Intervene, the ODOD notes that it is a state governmental agency which administers Ohio's community and economic development programs.

The Community Development Division of ODOD administers a variety of state and federally funded programs that benefit low- and moderate-income individuals and families. As part of the state's overall development efforts, the ODOD provides weatherization services, and assistance with home heating bills for low-income Ohioans and energy efficiency programs for residential, commercial and industrial consumers. These programs and other activities administered by the ODOD promote the efficient utilization of energy, the promotion of the general welfare, the protection of public health and safety, the protection of environmental quality and the natural linkage of energy, economics and environment.

Pursuant to Senate Bill 3, the ODOD is authoring rules for the administration of the Universal Service Fund ("USF"), which will come from a continuation of utility programs which have supported these services in the past. Senate Bill 3 requires the ODOD to establish an energy efficiency and weatherization program, funded by the USF and targeted to high-cost, high-volume use structures occupied by customers eligible for PIPP assistance, with the goal of reducing the energy bills of those customers, and thereby containing the cost of PIPP to all utility customers.

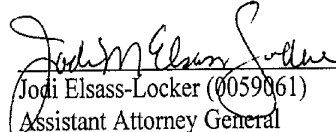
The USF revenues will be used to provide funding for the low-income customer assistance programs, to fund the consumer education program, and to pay the administrative costs of those programs. One goal of the USF program is to decrease the USF rider through cost savings resulting from the energy efficiency activities, thereby saving money for all classes of ratepayers. In addition Senate Bill 3 authorizes the ODOD to establish an Energy Efficiency Revolving Loan Fund to benefit all types of customers, residential, commercial all industrial and others.

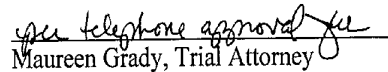
Without active participation in the proceedings to protect its interests, ODOD may be left with an under-funded USF program and thereby be unable to fulfill the mandate of Senate Bill 3. It is imperative that the ODOD participate at the proceedings to ensure adequate funding of the USF.

Because the ODOD will administer the programs funded by the USF and because the level of funding for such programs may be affected by the decisions made in the above-referenced cases, the ODOD has a real and substantial interest in the outcome. For the reasons stated above, the ODOD has a direct, real and substantial interest in the proceedings, and the ODOD would be unable to protect these interests if it was not allowed to intervene as a party to these proceedings.

The ODOD's interests are unique and distinct, and will not be adequately represented by the other parties in the proceeding. Participation by the ODOD in these proceedings will contribute to the just and expeditious resolution of the issues and concerns raised in these proceedings and will not cause undue delay nor unjustly prejudice any existing party. Therefore, the ODOD's Motion to Intervene should be granted.

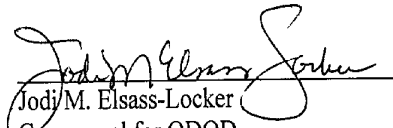
Respectively submitted,


Jodi Elsass-Locker (614) 644-9605
Assistant Attorney General
Co-counsel for the Ohio Department of
Development
77 South High Street, 29th Floor
Columbus, Ohio 43215
(614) 644-9605


Maureen Grady, Trial Attorney
369 South Roosevelt Avenue
Columbus, Ohio 43209
(614) 231-3614

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion to Intervene and Memorandum of Support was served by regular U.S. mail upon the following parties in the case on the 3rd day of May, 2000.


Jodi M. Elsass-Locker
Co-counsel for ODOD

Marvin I. Resnik
American Electric Power Service
1 Riverside Plaza
Columbus, OH 43215

Jeffrey L. Small, Esq.
Chester, Willcox & Saxbe
17 South High Street Suite 900
Columbus, OH 43215

Kevin M. Sullivan
Calfee, Halter & Griswold
1800 McDonald Investment Center
800 Superior Avenue
Cleveland, OH 44114-2688

Peter A. Rosato
Calfee, Halter & Griswold LLP
1650 Fifth Third Center
21 East State Street
Columbus, OH 43215-4228

Michael R. Smalz
Ohio State Legal Service Assoc.
861 North High Street
Columbus, OH 43215

James B. Gainer
Cinergy Corporation
139 East Fourth Street
P.O. Box 960
Cincinnati, OH 45201-0960

John W. Bentine
Chester, Willcox & Saxbe
17 South High Street
Suite 900
Columbus, OH 4315

Sally W. Bloomfield
Bricker & Eckler
100 South Third Street
Columbus, OH 43215

M. Howard Petricoff
Vorys, Sater, Seymour & Pease
52 East Gay Street
PO Box 1008
Columbus, OH 43216-1008

Janine L. Migden
Enron Corporation
Regional Dr., State Government Affairs
400 Metro Place North
Dublin, OH 43017-3375

Arthur E. Korkosz
Firstenergy Corp.
76 South Main Street
Akron, OH 44308

Kimberly J. Wile, Esq.
McNees Wallace & Nurick
Fifth Third Center
21 East State Street, Suite 1700
Columbus, OH 43215

Samuel C. Randazzo
McNees, Wallace & Nurick
Fifth Third Center
21 E. State St., Suite 910
Columbus, OH 43215

Joelle Kay Ogg, Esq.
John & Hengerer
1200 17th Street N.W., Suite 600
Washington, DC 20036-3013

Philip F. Downey
52 East Gay Street
P.O. Box 1008
Columbus, Ohio 43216-1008

Jeffrey L. Small, Esq.
Chester, Willcox & Saxbe
17 South High Street, Suite 900
Columbus, OH 43215

Vicki L. Desiner, Esq.
Ohio Environmental Council
1207 Grandview Ave. Room 201
Columbus, OH 43212-3449

Sheldon A. Taft
Vorys, Sater, Seymour & Pease
52 East Gay Street
PO Box 1008
Columbus, OH 43216-1008

Joseph C. Blasko
Vorys, Sater, Seymour & Pease LLP
52 East Gay Street
PO Box 1008
Columbus, OH 43216-1008

David C. Rinebolt
Ohio Partners for Affordable Energy
PO Box 1793
Findley, OH 45839-1793

Robert P. Mone
Thompson, Hine and Flory
10 West Broad Street Suite 700
Columbus, OH 43215

Scott A. Campbell
Thompson, Hine & Flory
10 West Broad Street, 7th Floor
Columbus, OH 43215

Gregory K. Lawrence
Sutherland, Asbill & Brennan LLP
1275 Pennsylvania Ave., NW
Washington, DC 10004-2415

Paul F. Forshay
Sutherland Ashbill & Brennan LLP
1275 Pennsylvania Ave. NW
Washington, DC 10004-2415

Langdon D. Bell
Bell, Royer & Sanders Co., LPA
33 South Grant Ave.
Columbus, OH 43215-3927

Wanda M Schiller
Strategic Energy Lts.
Two Gateway Center
Pittsburgh, PA 15222-1458

James J. Mayer, Esq.
Taft, Stettinius & Hollister LLP
1800 Firststar Tower
425 Walnut Street
Cincinnati, OH 45202

Thomas M. Myers
United Mine Workers of America
56000 Dilles Bottom
Shadyside, OH 43947

David B. Lieb
Spiegel & McDiramid
1350 New York Ave., NW
Washington, DC 20005-4798

John R. Doll
Logothetis, Pence & Doll
111 Weest First Street Suite 1100
Dayton, OH 45402-1156

Ellis Jacobs
Attorney at Law
Legal Aid Society of Dayton
333 W. First Street, Suite 500
Dayton, OH 45402

Colleen L. Mooney
Attorney at Law
Office of Consumers' Counsel
77 S. High St., 15th Floor
Columbus, OH 43266-0550

Ann M. Hotz
Attorney at Law
Office of Consumers' Counsel
77 S. High St., 15th Floor
Columbus, OH 43266-0550

Dirken D. Winkler
Ohio Consumers' Counsel
77 S. High Street, 15th Floor
Columbus, OH 43266-0550

Michael L. Kurtz
Boehm, Kurtz & Lowry
2110 Society Bank Center
36 East Seventh Street
Cincinnati, OH 45202

William M. Ondrey Gruber
Attorney-at-Law
2714 Leighton Road
Shaker Heights, OH 44120