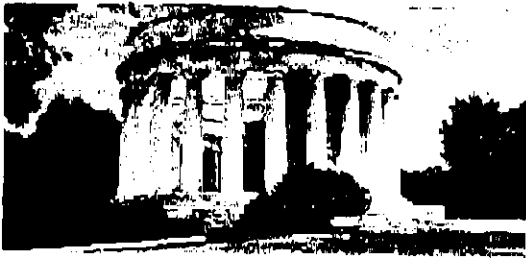


FAX **FILE**

CITY OF MARION

7



OFFICE OF THE LAW DIRECTOR
233 West Center Street
Marion, Ohio 43302
(740) 387-4817
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MARK D. RUSSELL, LAW DIRECTOR

January 29, 2008

Public Utilities Commission of Ohio
180 East Broad Street, 13th Floor
Columbus, OH 43215

Re: Ohio American Water Company
Case No. 07-1112-WS-AIR

BY FAX TRANSMISSION 614-466-0313

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PUCO

Please accept the attached to be filed in pending case number: 07-1112-WS-AIR.

If there are any questions related hereto, please contact me at 740-387-3777.

Very truly,

Mark D. Russell
Law Director

MDR\

COVER + ATTACHMENTS = 7 total pages

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accurate and complete reproduction of a case file
document delivered in the regular course of business
Technician TM Date Processed 1/29/2008

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of)
Ohio-American Water Company To)
Increase Its Rates For Water And)
Sewer Service Provided to Its Entire)
Service Area.)

Case No. 07-1112-WS-AIR

**MOTION TO INTERVENE
OF THE CITY OF MARION**

January 29, 2008



Mark D. Russell

Law Director -City of Marion, Ohio

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Law@marionohio.org

Attorney for the City of Marion, Ohio

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of)	
Ohio-American Water Company To)	
Increase Its Rates For Water And)	Case No. 07-1112-WS-AIR
Sewer Service Provided to Its Entire)	
Service Area.)	

**MOTION TO INTERVENE
OF THE CITY OF MARION**

The City of Marion, Ohio hereby respectfully moves the Public Utilities Commission of Ohio ("Commission"), pursuant to Section 4903.221, Revised Code, and Rule 4901-1-11 of the Ohio Administrative Code, for leave to intervene in the above-captioned matters, concerning an application for an increase in rates for water service filed by the Ohio-American Water Company ("Ohio-American") on November 13, 2007. The City of Marion requests that the commission grant the City the full powers and rights available to intervening parties.

As demonstrated further in the Memorandum in Support attached hereto and incorporated herein, the City of Marion, Ohio has a direct, real, and substantial interest in the issues and matters involved in the above-captioned proceedings and is so situated that the disposition of these proceedings may, as a practical matter, impair or impede their ability to protect those interests.

The City believes that its participation in the proceedings will not cause undue delay, will not unjustly prejudice any existing party, and will contribute to the just and expeditious resolution of the issues and concerns raised in the proceedings. The interests of the City will not be adequately represented by other parties to the proceedings and, as

such, the City is entitled to intervene in both proceedings with the full powers and rights granted, by the Commission specifically, by statute and by the Ohio Administrative Code, to intervening parties.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Mark D. Russell", written over a horizontal line.

January 29, 2008

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Attorney for the City of Marion, Ohio

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of Application of)	
Ohio-American Water Company To)	
Increase Its Rates For Water And)	Case No. 07-1112-WS-AIR
Sewer Service Provided to Its Entire)	
Service Area,)	

MEMORANDUM IN SUPPORT

In support of this Motion to Intervene, the City of Marion states that it, and its citizens, are customers of Ohio-American, a public utility subject to the jurisdiction of the Commission. The City is also a municipality and seeks to promote the interests of its citizens. The City has participated in a number of Ohio-American rate increase proceedings over the years because of the influence that rates and charges for water and sewer service can have upon the City as a customer of Ohio-American, and upon the City's local economy and citizens.

Due to the probable impact that a rate increase will have upon the City, the City has a real and substantial interest in these proceedings. Furthermore, the disposition of the proceedings may, as a practical matter, impair or impede the City's abilities to protect its interests.

For the aforementioned reasons, the City 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 the proceedings. Therefore, the City of Marion, Ohio hereby requests the Commission grant this Motion to Intervene with the full powers and

rights granted, by the Commission specifically, by statute and by the Ohio Administrative Code, to intervening parties.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Mark D. Russell", written over a horizontal line.

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Law@marionohio.org

January 29, 2008

Attorney for the City of Marion, Ohio

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion to Intervene and Memorandum in Support was served upon the following parties of record this 29th day of January 2008, via electronic transmission, hand-delivery or ordinary U.S. mail, postage prepaid.



January 29, 2008

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**On behalf of Ohio-American
Water Company**

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**On behalf of the Office of the Ohio
Consumers Counsel**

**On behalf of Drago & Assoc.
Inc. aka Drago Management, Inc.**

Duane Luckey
Assistant Attorney General
Attorney General's Office
Public Utilities Section
180 E. Broad St., 9th Floor
Columbus, Ohio 43215
c/o ~~Robert J. Drago, Esquire~~
~~Drago & Associates, Inc.~~
**On behalf of the Public Utilities
Commission of Ohio**