

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Commission's)	Case No. 08-723-AU-ORD
Review of Chapters 4901:1-17 and)	
4901:1-18)	MOTION TO INTERVENE
and Rules 4901:1-5-07,4901:1-10-22,)	
4901:1-13-11,4901:1-15-17,4901:1-21-14,)	
and)	
4901:1-29-12 of the Ohio Administrative)	
Code.)	
)	

MOTION TO INTERVENE by COMMUNITIES UNITED FOR ACTION

In accordance with the Commission's Administrative Provisions, OAC 4901-1-1, Communities United for Action moves that it be allowed to intervene as a full party in the Commission's Review cited above. The reasons supporting the granting of this Motion are set forth in the attached Memorandum in Support.

Respectfully submitted,

/s/ _____
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DATED:

MEMORANDUM IN SUPPORT

I. INTRODUCTION

Communities United for Action (CUFA) is a nonprofit corporation based in Cincinnati, Ohio. CUFA is a multi-issue community organization that brings together organizations and communities representing a variety of cultural and ethnic backgrounds and economic levels, with particular emphasis on working class neighborhoods in Cincinnati's Millcreek Valley. CUFA's goals include mobilizing community residents to act as advocates on decisions that determine the quality of their lives. CUFA is comprised of almost 50 local organizations and institutions, including tenant associations, community councils, churches, and senior citizens organizations. A list of member organizations is attached to this motion.

II. THE STANDARDS FOR INTERVENTION

The standards for intervention are provided in both statute and the administrative code.

Rule 4901-1-11(A), Ohio Administrative Code, provides that

Upon timely motion, any person shall be permitted to intervene upon a showing that:

(2) The person has a real and substantial interest in the proceeding, and the person is so situated that the disposition of the proceeding may, as a practical matter, impair or impede his or her ability to protect that interest, unless the person's interest is adequately represented by existing parties.

R.C. 4903-221 provides that the Commission consider the following criteria when ruling upon applications to intervene in proceedings.

(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 prospective intervenor will unduly prolong or delay the proceedings;

(4) Whether the prospective intervenor will significantly contribute to the full development and equitable resolution of the factual issues.

O.A.C. 4901-1-11(B) provides that

Upon timely motion, any person may be permitted to intervene in a proceeding upon a showing that the person has a real and substantial interest in the proceeding.

CUFA's intervention herein should be granted under any of these standards.

III. CUFA'S INTERVENTION SHOULD BE GRANTED

A. CUFA'S Motion is Timely

The instant motion has been filed before the deadline for the filing of Motions to intervene.

B. CUFA has a Real and Substantial Interest in the Proceeding

CUFA's constituency includes many low income customers, for whom gas and electric service is essential. CUFA has a long and abiding interest in assuring continued services and genuine, affordable payment options for low income gas and electric customers.

IV. CUFA'S INTERVENTION WILL CONTRIBUTE TO AN EQUITABLE RESOLUTION AND WILL NOT UNDULY PROLONG OR DELAY THE PROCEEDING.

CUFA will not unduly delay this proceeding. CUFA intends to present important evidence that the Commission otherwise might not hear regarding the necessity for workable and affordable alternatives to disconnection. Both CUFA and affiliate predecessor, Citywide Coalition for Utility Reform, have served this role in numerous proceedings dating back to the late 1970's, including the proceedings that resulted in the the establishment of "PIPP" and subsequent proceedings that reviewed the rules now under review. In each instance CUFA has made significant contributions to the full development of an equitable and timely resolution of those cases.

V. CONCLUSION

Therefore, for the reasons set forth above, CUFA requests that the

Commission grant its Motion to Intervene.

Respectfully submitted,

/s/_____
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing pleading was served on the following either electronically or by first class U.S. mail, postage prepaid, upon the following, this first day of July, 2008.

/s/_____
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Summary: Motion Motion to Intervene of Communities United for Action electronically filed by Mr. Noel M Morgan on behalf of Communities United for Action