

FILE  
FAX

The  
Legal Aid Society  
of Cleveland  
*Since 1905*

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

January 14, 2009

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PUCO

## SUBJECT:

In the Matter of the Application of Ohio )  
Edison Company, The Cleveland Electric )  
Illuminating Company and The Toledo )  
Edison Company for Approval of Rider )  
FUEL and Related Accounting Authority )

Case No. 09-21-EL-ATA  
Case No. 09-22-EL-AEM  
Case No. 09-23-EL-AAM

Dear friends.

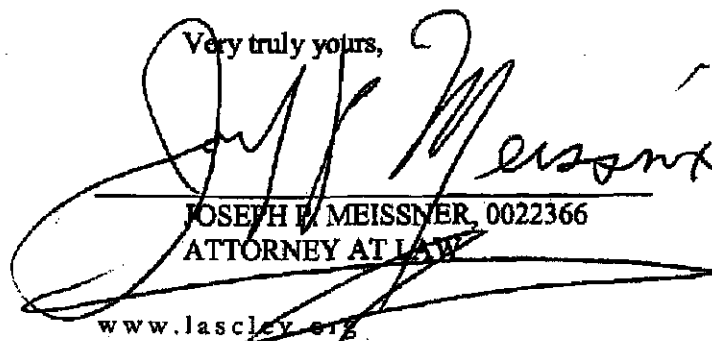
We are enclosing a Motion to Intervene for our clients, the Citizens Coalition, in this case.

We are faxing this. Please file it today. We are mailing twenty-three copies and the original by regular mail. Other parties are being served. We have also enclosed an envelope addressed back to us. Please time-stamp one of the enclosed copies and return this to us.

Let us know of any problems.

Thank you.

Very truly yours,

  
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**BEFORE****THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Ohio	)	
Edison Company, The Cleveland Electric	)	Case No. 09-21-EL-ATA
Illuminating Company and The Toledo	)	Case No. 09-22-EL-AEM
Edison Company for Approval of Rider	)	Case No. 09-23-EL-AAM
FUEL and Related Accounting Authority	)	

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

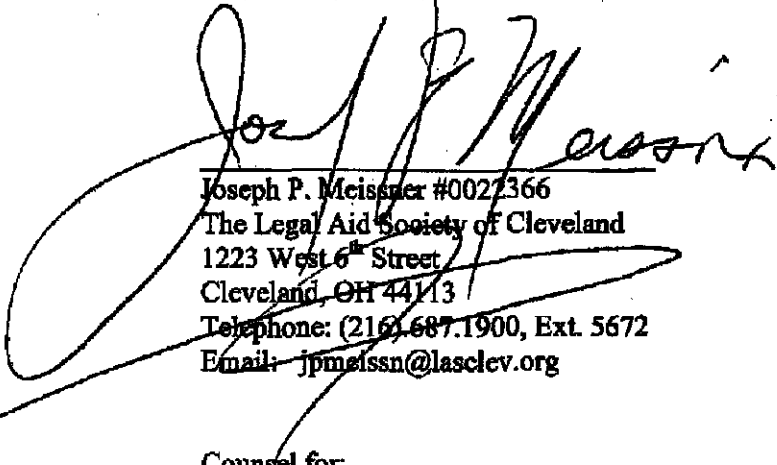
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Now comes The Neighborhood Environmental Coalition (hereinafter "Coalition"), The Consumers for Fair Utility Rates (hereinafter "Consumers"), United Clevelanders Against Poverty, Cleveland Housing Network ("Network), and The Empowerment Center of Greater 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.

Respectfully submitted,



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

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

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Coalition, Consumers, United Clevelanders, Cleveland Housing Network, and Center (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).

In support of their Motion to Intervene, the Citizens Coalition notes that they are citizens groups and agencies whose members, clients, and supporters are seriously affected by the PUCO's decisions. Given the gravity of the current economic situation of the Greater Cleveland area, the worsening of the economy and employment in our general area, the continuing Great Depression II, the ongoing housing crisis with increasing numbers of foreclosures, the immense increases in basic necessities including food, energy, and gasoline, and the adverse

consequences any increases in electric rates could have on poor as well as moderate income families, it is incumbent upon the PUCO to grant all five parties intervention in this matter.

Our understanding is that the companies and FE are seeking significant increases in our rates for a fuel rider on our bills. This fuel rider also includes various components pertaining to "purchased power, energy, capacity, planning reserve, alternative energy and credits, non-distribution uncollectible expense, Ohio Commercial Activity Tax expense and other applicable taxes and any other expense" for generation service to the customers. See page 3 of the Application filed by the Companies. There are also, certain "banking and legal fees" sought in this Rider. The Applicants seemed to have stuffed everything they could into this requested Fuel Rider. Perhaps it would have been easier and shorter for FE and the companies to indicate what is not included in this Rider. Excuse this sarcasm, but there are reports this Fuel Rider could increase customer rates by fifteen or twenty percent or even more.

Such rate increases are especially burdensome to the customers represented by the Citizens Coalition who are low-income families. Many live on fixed and inadequate incomes. Many of their incomes are declining because of the loss of employment. We are already heading downward economically, financially, and socially into the terrible depths of the Great Depression II. Any electric rate increases--coming at this time of what even our new President Barack Obama has characterized as the worst recession since the Great Depression--whether for fuel or other charges will further hurt FE customers, especially the poor.

Thus the Citizens Coalition and the low-income families represented by the Coalition have "a real and substantial interest" in the outcome of this current set of cases, as required by OAC 4901-1-11(A). Disposition of these cases without permitting the Citizens Coalition to intervene will impair and impede their ability to protect the interests of this particular group of customers. While other parties to this proceeding may also be concerned about the issues that affect low-income families, they have other sets of customers groups which they also must represent, which may impact their legal assistance to low-income families.

The following provides some background on the groups within the Citizens Coalition and how they bring special and particular perspectives to these proceedings which can be helpful in the PUCO's resolution of the issues.

The Coalition's distinguished history of serving low-income families warrants its involvement in this case. Coalition has been in existence for over thirty years, working especially in neighborhoods surrounding the industrial valley of Cuyahoga County. It is dedicated "to protecting the created environment," which includes all the pollution produced by FE and its companies. The Coalition is committed to helping low income families meet their energy and heating needs in ways that will not harm the environment. A Fuel Rider concerns the Coalition because of possible effects upon the environment. To the extent that the actual Fuel Bill for FE and its companies can be lowered, including through conservation and weatherization programs, to that extent the Coalition as well as all customers will benefit.

The Coalition and other four interveners are concerned with the proposals of the companies which could lead to more horrendous rate increases for customers, both in the near future and more distant future. The Coalition believes that the commission should take actions that are in the best interest of the citizens of Ohio and in order to do so it should avail itself of information and input from as many sources as possible, including from these interveners.

In reaching any decision regarding a Fuel Rider and a justification for how this may increase rates the commission should have the most accurate information available to it and it should be presented in the clearest possible manner to the reviewers. There should be a prudence review of FE and its companies on their fuel purchases. The impact of the results of the commission's decisions upon all customers and especially the low and moderate income customers of the company is very significant.

Consumers, whose predecessor was Low Income People Together, has also been involved in PUCO proceedings for many years. It also has specific concerns about the Companies in this case. These include the threatened rate increases traceable to a Fuel Rider, the

issues of prudence in any fuel purchases by FE and the companies, and the lack of substantial programs by the Companies to help low and moderate income families—as well as “better off” customers—so they can sustain the burden of a significant Fuel Rider.

Center is comprised of low-income families who have intervened in matters before the PUCO since 1971. The Center has a history of contributing beneficially to decisions and outcomes that have been rendered by the PUCO. The Center is quite concerned about the present plight of low-income families who are burdened with already high electric rates, which will only be worsened by this Fuel Rider. The Center urges the PUCO to reduce the current electric rates, rather than raise them. The Companies have earned immense excessive profits over the last three years which should be shared with customers, rather than all going to the already bloated salaries of the company executives and the over-compensated stockholders. These profits should be shared with the customers by using some of these profits and excess salaries now to pay for possibly rising fuel costs.

The fourth group, United Clevelanders Against Poverty, are a fairly new group in Ohio. This would be one of the first cases of their intervening in PUCO proceedings. They are customers of the electric companies and representatives of customers who are quite concerned about the ever increasing costs of basic necessities including utility and electric rates. They seek this opportunity to advocate for lower fuel costs and electric rate decreases.

The fifth group is the Cleveland Housing Network which has been involved in past cases. This agency especially helps with weatherization and conservation programs for their clients. It has administered funds both now and in the past from utility companies and other sources to carry out such programs. Such weatherization and conservation programs can actually reduce the need for expensive fuels and thus can reduce any Fuel Rider that might be needed by FE and the companies. The Network has received funds from the companies involved in this proceeding, although as has been stated in various past PUCO proceedings such funds have been generally inadequate to provide significant assistance to low and moderate income families for

weatherization and conservation. The Commission in this case should consider ways in which weatherization and energy conservation programs should be included in the Fuel Rider along with all the many elements that FE and its subordinate companies seek to include. Certainly programs that could reduce the Fuel rider should be implemented if this Fuel Rider is allowed.

The foremost reason that has motivated Coalition, Consumers, United Clevelanders, Cleveland Housing Network, and Center to seek intervention in this matter is their commitment to helping low and moderate income families. Coalition, Consumers, United Clevelanders, Cleveland Housing Network, and Center are the only parties in this matter that are exclusively devoted to representing the low income segment of the population. Coalition, Consumers, United Clevelanders, Cleveland Housing Network, and Center are concerned with the fairness, reasonableness, legality, and justice of the Fuel Rider proposals of these utility companies, especially as these may impact upon the implementation of the new Law in Ohio, S.B. 221.

Coalition, Consumers, United Clevelanders, Cleveland Housing Network, and Center must be heard in this matter in order to protect their interests of low income families and individuals. They have real and substantial interests in this proceeding by virtue of the direct impact changes in fuel charges and thus rates determined through this case will have on their members, their supporters, and clients located in the service territories of the relevant utility companies. Further, these groups have appeared in past PUCO cases and they have been recognized by the Commission in the past as advocates for consumers and particularly low-income consumers, all of whom will be affected by the outcome of this case. Citizens Coalition also points out that the precedents set in these Fuel cases which may affect also the implementation of the new Ohio law on Electric Regulation, namely SB 221, will affect consumers, including low-income families, for the next ten to twenty years. This is the time when these and other consumer



groups should especially be welcomed by the PUCO to insure that proper, reasonable, fair, and just precedents are established and that the new law's provisions are properly implemented. These groups will also advocate for adequate energy efficiency, environmental, and renewable energy programs.

The Citizens Coalition will not unduly prolong nor delay the proceedings. In fact, these groups in the past have worked cooperatively with utility companies on efforts to resolve issues expeditiously. The Citizens Coalition has consistently held out the "olive branch" of negotiation to FE and its companies in an effort to promote a timely and fair resolution of issues.

For the above reasons, these interveners have a direct, real and substantial interest in this proceeding.

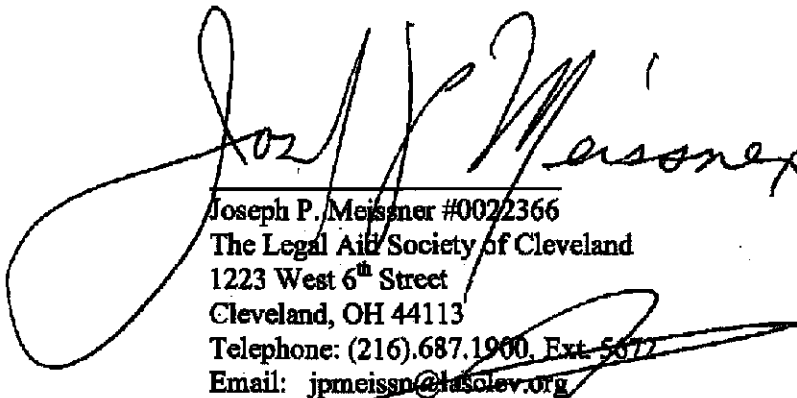
The rules of the Ohio Administrative Code were established to provide the commission with best information needed to make decisions which are in the best interest of the citizens of Ohio. The Citizens Coalition will provide the best information they can in order to help the PUCO.

Coalition, Consumers, United Clevelanders, Cleveland Housing Network, and Center (The Citizens Coalition) will follow all the administrative rulings in this proceeding and their intervention along with any litigation that is required will not unreasonably delay these proceedings.

Wherefore, Coalition, Consumers, United Clevelanders, Cleveland Housing Network, and Center (The Citizens Coalition) respectfully request that based on this Motion to Intervene and this Memorandum in Support, Coalition, Consumers, United

Clevelanders, Cleveland Housing Network, and Center, together known as the "Citizens Coalition," be recognized as parties in this case.

Respectfully submitted,

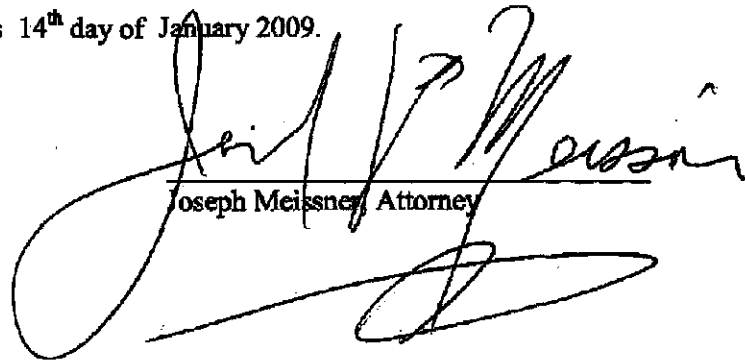


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Cleveland Housing Network,  
and  
The Empowerment Center of  
Greater Cleveland

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of this Motion to Intervene, Memorandum in Support, and Certificate of Service were served by email, upon the parties of record and potential parties by email service on this 14<sup>th</sup> day of January 2009.

  
Joseph Meissner, Attorney