

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Commission's Response)
to Provisions of the Federal Energy Policy)
Act of 2005 regarding Net Metering, Smart) Case No. 07-646-EL-UNC
Metering and Demand Response,)
Cogeneration and Power Production Purchase)
and Sale Requirements, and Interconnection.)

MEMORANDUM IN SUPPORT OF MOTION TO INTERVENE

Ohio Partners for Affordable Energy ("OPAE") should be permitted to intervene in this docket pursuant to Section 4903.22.1, Revised Code, and the Commission's Rules and Regulation contained in Rule 4901-01-11 of the Ohio Administrative Code. The above-referenced docket was opened by the Commission on May 30, 2007 to facilitate the Commission Staff's initiation of a Commission-ordered workshop on smart metering deployment. The Commission's determinations on smart metering could result in a change in the rates and charges residential and small commercial customers would be required to pay for service and could also affect the terms and conditions of service for such customers. The Commission should grant OPAE's motion to intervene in this docket so that OPAE can fully protect its interests.

In determining whether to permit intervention, the following criteria are to be considered: the nature of the person's interest; the extent to which that interest is represented by existing parties; the person's potential contribution to a just and expeditious resolution of the proceeding; and, whether granting the intervention will unduly delay or unjustly prejudice any existing party. OPAE meets all four criteria for intervention in this matter.

OPAE is an Ohio corporation with a stated purpose of advocating for affordable energy policies for low and moderate income Ohioans; as such, OPAE has a real and substantial interest in this matter, which concerns the deployment of smart metering or advanced metering infrastructure. Additionally, OPAE includes as members non-profit organizations that will be affected by the application.¹ Moreover, many of OPAE's members are community action agencies. Under the federal legislation authorizing the creation and funding of these agencies, originally known as the Economic Opportunity Act of 1964, community action is charged with advocating for low-income residents of their communities.²

¹ A list of OPAE members can be found on the website: www.ohiopartners.org.

² See 42 U.S.C. 672:

The purposes of this subtitle are--

(1) to provide assistance to States and local communities, working through a network of community action agencies and other neighborhood-based organizations, for the reduction of poverty, the revitalization of low-income communities, and the empowerment of low-income families and individuals in rural and urban areas to become fully self-sufficient (particularly families who are attempting to transition off a State program carried out under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.)); and

(2) to accomplish the goals described in paragraph (1) through--

(A) the strengthening of community capabilities for planning and coordinating the use of a broad range of Federal, State, local, and other assistance (including private resources) related to the elimination of poverty, so that this assistance can be used in a manner responsive to local needs and conditions;

(B) the organization of a range of services related to the needs of low-income families and individuals, so that these services may have a measurable and potentially major impact on the causes of poverty in the community and may help the families and individuals to achieve self-sufficiency;

(C) the greater use of innovative and effective community-based approaches to attacking the causes and effects of poverty and of community breakdown;

(D) the maximum participation of residents of the low-income communities and members of the groups served by programs assisted through the block grants made under this subtitle to empower such residents and members to respond to the unique problems and needs within their communities; and

(E) the broadening of the resource base of programs directed to the elimination of poverty so as to secure a more active role in the provision of services for--

(i) private, religious, charitable, and neighborhood-based organizations; and

(ii) individual citizens, and business, labor, and professional groups, who are able to influence the quantity and quality of opportunities and services for the poor.

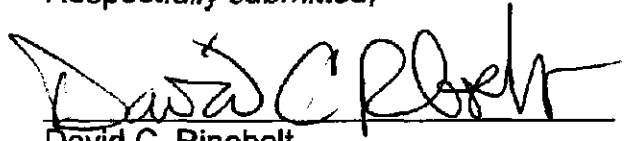
OPAE also provides essential services in the form of bill payment assistance programs and weatherization and energy efficiency services to low income customers of Ohio's electric utilities. OPAE members are also ratepayers of Ohio's electric utilities.

OPAE's primary interest in this case is to protect the interests of low and moderate income Ohioans and OPAE members whose provision of electric distribution service may be affected by this docket, which concerns the Commission's deployment of smart metering. OPAE also seeks to ensure that costs are not shifted to residential and small commercial customers from other customer groups, and to address any other such issues as may arise during consideration of this matter. Further, OPAE has been recognized by the Commission in the past as an advocate for consumers and particularly low-income consumers, all of whom will be affected by the outcome of this case.

For the above reasons, OPAE has a direct, real and substantial interest in this matter. The disposition of this matter may impair or impede the ability of OPAE to protect its interests. No other party to the matter will adequately represent the interests of OPAE. OPAE is a rare organization that serves as an advocate, service provider and nonprofit customer group. No other party represents this group of interests. OPAE's participation in this matter will not cause undue delay, will not unjustly prejudice any existing party, and will contribute to the just and expeditious resolution of the issues raised by this docket.

Therefore, OPAE is entitled to intervene in this matter with the full powers and rights granted by statute and by the provisions of the Commission's Codes of Rules and Regulations to intervening parties.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "David C. Rinebolt", written over a horizontal line.

David C. Rinebolt

Colleen L. Mooney

Ohio Partners for Affordable Energy

231 West Lima Street

P.O. Box 1793

Findlay, OH 45839-1793

Telephone: (419) 425-8860

FAX: (419) 425-8862

e-mail: cmooney2@columbus.rr.com

drinebolt@aol.com

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Commission's Response)
to Provisions of the Federal Energy Policy)
Act of 2005 regarding Net Metering, Smart) Case No. 07-646-EL-UNC
Metering and Demand Response,)
Cogeneration and Power Production Purchase)
and Sale Requirements, and Interconnection.)

**MOTION TO ADMIT DAVID C. RINEBOLT TO PRACTICE
PRO HAC VICE BEFORE THE COMMISSION**

Pursuant to Rule 4901-1-08(B) of the Ohio Administrative Code, Colleen L. Mooney (0015668), an attorney licensed to practice in the State of Ohio, respectfully petitions the Commission to permit David C. Rinebolt to practice *pro hac vice* before the Commission in the above-referenced case. Mr. Rinebolt represents Ohio Partners for Affordable Energy, which is an Ohio corporation engaged in advocating for affordable energy policies.

Mr. Rinebolt graduated from the Columbus School of Law of the Catholic University of America in May 1981. As an active member of the District of Columbia Bar, Bar No. 367210, Mr. Rinebolt is licensed to practice before the federal courts of the District of Columbia. Furthermore, Mr. Rinebolt has practiced law continuously since being admitted to the District of Columbia bar in October 1982. He has been granted permission to practice *pro hac vice* before this Commission on numerous occasions.

WHEREFORE, Colleen L. Mooney respectfully requests that David C. Rinebolt be permitted to practice before the Commission in the aforementioned docket.

Respectfully submitted,

Colleen L. Mooney DCP

Colleen L. Mooney

David C. Rinebolt

Ohio Partners for Affordable Energy

231 West Lima Street

Findlay, OH 45840

Telephone: (419) 425-8860

FAX: (419) 425-8862

cmooney2@columbus.rr.com

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion to Intervene and Memorandum of Support and Motion to Practice Pro Hac Vice was served by first class mail to the persons identified below on this 29th day of June 2009.

Colleen L. Mooney DCR
Colleen L. Mooney

Michael D. Dortch
Kravitz, Brown & Dortch
65 East State Street, Suite 200
Columbus, Ohio 43215

Ann M. Hotz
Jacqueline Lake Roberts
Office of the Consumers' Counsel
10 W. Broad Street, 18th Floor
Columbus, Ohio 43215-3485

William Wright
Attorney General's Office
Public Utilities Commission Section
180 E. Broad Street, 9th Floor
Columbus, Ohio 43215-3793

John Finnigan
Duke Energy Ohio, Inc.
139 East Fourth Street, R. 25 AT II
Cincinnati, Ohio 45201-0960

Kathy Kolich
FirstEnergy Service Company
76 South Main Street
Akron, Ohio 44308

Steven T. Nourse
American Electric Power Service Corp.
1 Riverside Plaza, 29th Floor
Columbus, Ohio 43215

John W. Bentine
Chester Willcox & Saxbe
65 East State Street, Suite 1000
Columbus, Ohio 43215-4213

Dona Seger-Lawson
Dayton Power and Light Company
1065 Woodman Drive
Dayton, Ohio 45432