

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of the Ohio)	
Department of Development for an Order)	
Approving Adjustments to the Universal)	Case No. 09-463-EL-UNC
Service Fund Riders of Jurisdictional Ohio)	
Electric Distribution Companies.)	

**MOTION OF
INDUSTRIAL ENERGY USERS-OHIO
TO INTERVENE AND MEMORANDUM IN SUPPORT**

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September 14, 2009

Attorneys for Industrial Energy Users-Ohio

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MOTION TO INTERVENE

Now comes the Industrial Energy Users-Ohio ("IEU-Ohio") and, pursuant to Section 4903.221, Revised Code, and Rule 4901-1-11, Ohio Administrative Code, respectfully moves for leave to intervene in the above-styled proceeding as a full party of interest for the reasons set forth in the attached Memorandum In Support.

Respectfully submitted,

/s/ Gretchen J. Hummel

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MEMORANDUM IN SUPPORT

IEU-Ohio is an association of large end-use energy consumers. A current listing of IEU-Ohio member companies is available on IEU-Ohio's website at <http://www.ieu-ohio.org>. IEU-Ohio's members are subject to the Universal Service Fund ("USF") Rider rates for which cost calculation methodologies, rate design, and rate adjustments will be determined in this proceeding.

Consistent with the requirements of Section 4903.221, Revised Code, and Rule 4901-1-11(B), Ohio Administrative Code, IEU-Ohio is a real party in interest herein, whose interest is not now represented, who can make a contribution to the proceeding and will not unduly delay the proceeding or prejudice any existing party. On June 1, 2009, the Ohio Department of Development ("Applicant" or "ODOD") filed its Notice of Intent in this proceeding to submit its annual application to adjust the USF Rider rates imposed on all customers of Ohio's electric distribution companies, including IEU-Ohio, for the purpose of funding, *inter alia*, the Percentage of Income Payment Plan ("PIPP") Program and certain low-income energy efficiency programs on or before October 31, 2009. Applicant's Notice of Intent, *inter alia*, specifies the USF Rider rate cost components and rate design it intends to propose in its application for approval of USF Rider rates to become effective on January 1, 2010, in order to permit interested parties

an opportunity to raise and obtain resolution of any objections they may have to the matters proposed herein.

IEU-Ohio submits that its interest is not represented by existing parties, that it will contribute to the just and expeditious resolution of the issues and concerns raised in this proceeding, and that its participation in this proceeding will not cause undue delay or unjustly prejudice any existing party.

For the aforementioned reasons, IEU-Ohio 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 this proceeding. Therefore, IEU-Ohio respectfully requests leave to intervene in this proceeding.

Respectfully submitted,

/s/ Gretchen J. Hummel

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing *Motion of Industrial Energy Users-Ohio to Intervene and Memorandum in Support* was served upon the following parties of record this 14th day of September, 2009, via electronic transmission, hand-delivery, or ordinary U.S. mail, postage prepaid.

/s/ Gretchen J. Hummel
Gretchen J. Hummel

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Summary: Motion Motion to Intervene electronically filed by Ms. Gretchen J. Hummel on behalf of Industrial Energy Users-Ohio