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

April 30, 2010

SUBJECT: In The Matter of Aligning Electric Distribution Utility Rate Structure With)
Ohio's Public Policies to Promote Competition, Energy Efficiency, and
Distributed Generation Case No. 10-3126-EL-UNC

Dear friends:

We are enclosing a Motion to Intervene for the above referenced case, filed on behalf of the Citizens Coalition.

We are also faxing this. Please file it today. We are mailing by regular overnight express mail. Other parties are being served by email and/or regular mail. 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,

JOSEPH P. MEISSNER, 0022366
ATTORNEY AT LAW

www.lasclev.org

This is to certify that the images appearing are an accurate and complete reproduction of a case file document delivered in the regular course of business. Technician *FN* Date Processed FEB 07 2011

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BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In The Matter of Aligning Electric)	
Distribution Utility Rate Structure With)	
Ohio's Public Policies to Promote)	Case No. 10-3126-EL-UNC
Competition, Energy Efficiency, and)	
Distributed Generation)	

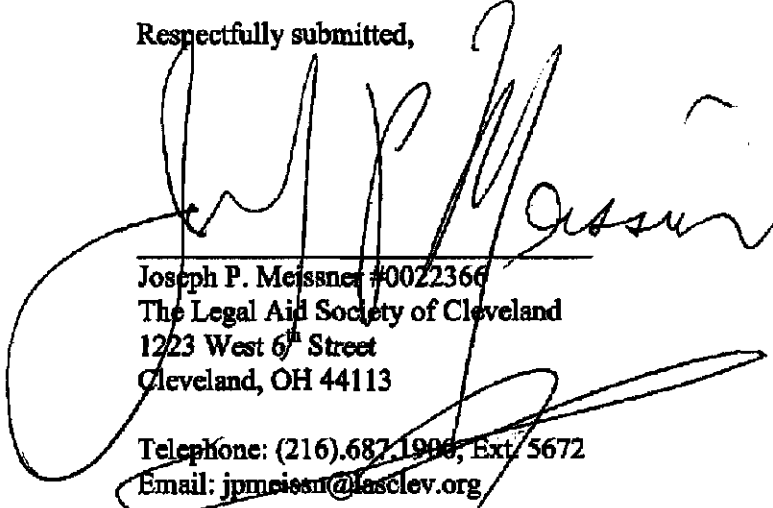
**MOTION TO INTERVENE
FILED ON BEHALF OF THE
NEIGHBORHOOD ENVIRONMENTAL COALITION
THE EMPOWERMENT CENTER OF GREATER CLEVELAND ,
UNITED CLEVELANDERS AGAINST POVERTY,
CLEVELAND HOUSING NETWORK.
AND
THE CONSUMERS FOR FAIR UTILITY RATES
AND MEMORANDUM IN SUPPORT**

Now comes The Neighborhood Environmental Coalition (hereinafter "Coalition"), The Consumers for Fair Utility Rates (hereinafter "Consumers"), United Clevelanders Against Poverty, Cleveland Housing 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

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In The Matter of Aligning Electric)
 Distribution Utility Rate Structure With)
 Ohio's Public Policies to Promote) Case No. 10-3126-EL-UNC
 Competition, Energy Efficiency, and)
 Distributed Generation)

**MEMORANDUM IN SUPPORT OF
 MOTION TO INTERVENE FILED ON BEHALF OF THE
 NEIGHBORHOOD ENVIRONMENTAL COALITION
 THE EMPOWERMENT CENTER OF GREATER CLEVELAND , 33
 UNITED CLEVELANDERS AGAINST POVERTY,
 CLEVELAND HOUSING NETWORK
 AND
 THE CONSUMERS FOR FAIR UTILITY RATES**

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 note that they are citizen 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 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 recovery of lost revenues and/or rate decoupling could result in significant rate increases for customers, and this would especially low income families.

On the other hand, greater use of energy efficiency measures, greater use of alternative energy resources, greater use of renewable sources of energy, weatherization and other such programs could reduce the rates of customers and this would greatly help low-income families. To the extent that this case could improve the situation of customers, the Citizens Coalition needs to be allowed to intervene in order to encourage and assist such beneficial changes in rates. The outcome of this case could also lead to a cleaner environment and the efficient and economical use of our scarce natural resources, especially the nonrenewable ones. This would provide additional benefits for residential customers, including low-income families/

The Citizens Coalition and the low-income families represented by these groups could be burdened by the outcome of this case. On the other hand, they want to present arguments and other materials which could promote benefits for them. Thus the Citizens Coalition and the low-income families represented by the Citizens 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 and establishment of ongoing energy policies, including promoting healthy competition.

The Neighborhood Environmental Coalition's distinguished history of serving low-income families warrants its involvement in this case. The Coalition has been in existence for almost four decades, working especially in neighborhoods surrounding the industrial valley of Cuyahoga County. It is dedicated "to protecting the created environment." It is committed to helping low income families meet their energy and heating needs in ways that will not harm the environment and will reduce use of our scarce natural resources, while also promoting lower utility rates. . This case with the NEC's intervention could help the NEC in achieving its goals..

The Neighborhood Environmental Coalition and other four interveners are concerned that proposals could be presented in this case, including by the various utility companies which could lead to more horrendous rate increases for customers, both in the near future and more distant future. The Citizens 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.

Consumers for Fair Utility Rates, whose predecessor was Low Income People Together, has also been involved in PUCO proceedings for many years. It also has specific concerns about possible proposals in this case. These include possible rate increases traceable to any proposals for recovery of lost revenues and other such proposals. .

The Empowerment 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 utility rates, which could be worsened through this proceeding.

The fourth group, *United Clevelanders Against Poverty*, are a fairly new group in Ohio. This would be another 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 electric rate decreases, or at least prevent rate increases.

The fifth group is the *Cleveland Housing Network* which has been involved in past cases. This agency especially helps with weatherization, energy efficiency, 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, energy efficiency, and conservation programs can actually reduce utility rates for low-income families. They should be allowed to intervene in order to continue their efforts at helping low-income families.

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 on rate issues. Coalition, Consumers, United Clevelanders, Cleveland Housing Network, and Center are concerned with the fairness, reasonableness, legality,

and justice for any proposals involved in this proceeding and for the implementation of such proposals, 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 utility 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, four of 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 cases which seek to implement the new Ohio law on Electric Regulation as well as other laws and utility case policies 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.

Secondly, pursuant to Ohio revised Code Section 4903.221(B)(2), the Commission will consider "the legal position advanced by the prospective intervener and its probable relation to the merits of the case." The Citizens Coalition will present arguments from the perspective of low-income families who will be significantly impacted by any rate increases and rate increase policies that emerge from this proceeding. This is a legal position that the PUCO should consider in order to insure full

justice and fairness in this proceeding.

Thirdly, according to Ohio Revised Code Section 4903.221(B)(3), the Citizens Coalition will not unduly prolong nor delay the proceedings, which is another requirement for intervention. In fact, these groups in the past have worked cooperatively with utility companies, OCC, and other parties in proceedings on efforts to resolve issues expeditiously.

Fourthly, the intervention of all five citizen groups will significantly contribute to the final development of the record in this case. See Ohio Revised Code Section 4903.221(B)(4). This has been true in past PUCO proceedings where the Citizens Coalition has intervened. These groups bring the perspective of low-income families to these cases which can help the Commission in any final decision that it makes.

Finally, considering O.A.C. 4901-1-11(A), other groups cannot fully and completely represent the interests represented by these low income groups. Other parties have interests beyond just low-income groups which can lead them to not fully and uniquely represent low-income families.

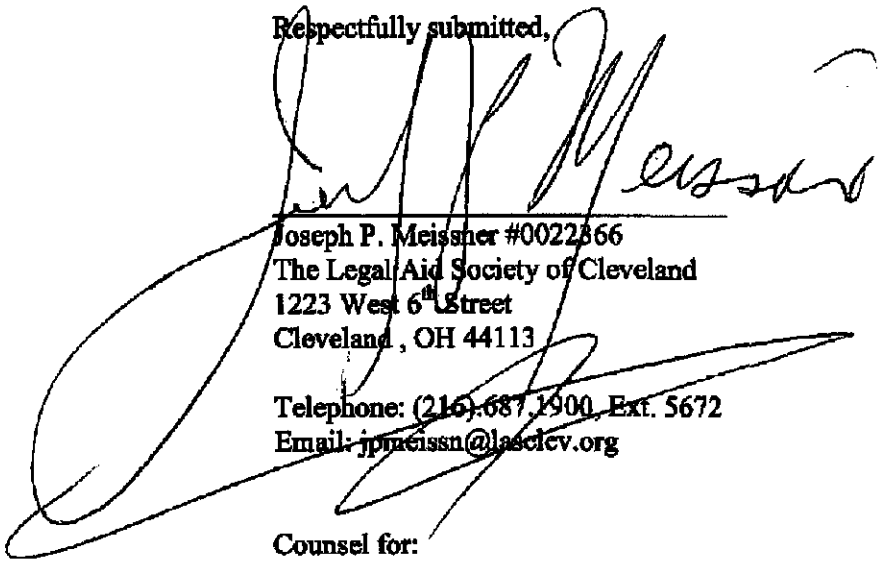
In conclusion, for the above reasons, these interveners have a direct, real and substantial interest in this proceeding and they satisfy all of the requirements for intervention. The rules of the Ohio Administrative Code and the laws of the Ohio Revised Code on intervention were established to provide the commission with the 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. See Cleveland Electric Illuminating Co., Case No. 85-675-EL-AIR, dated January 14, 1986 at page 2.

The 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, Coalition, Consumers, United Clevelanders, Cleveland Housing Network, and Center be recognized as a parties in this case.

Respectfully submitted,



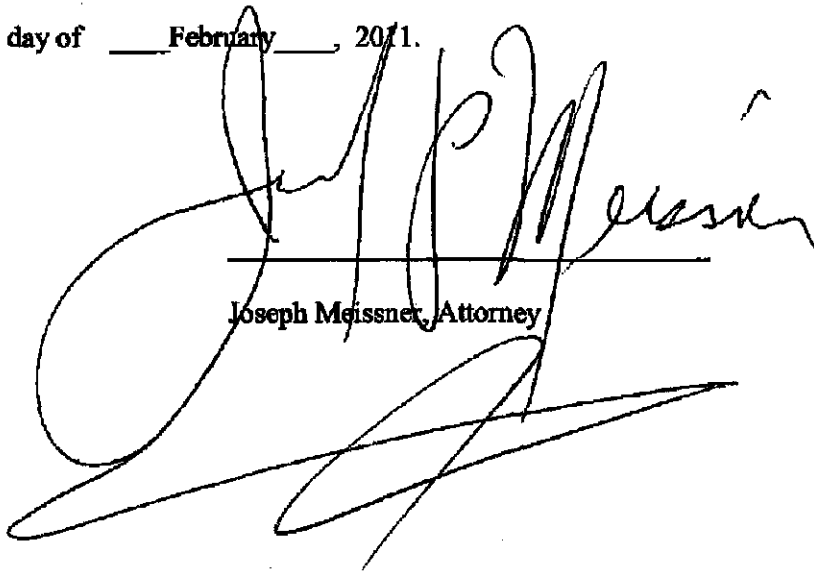
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United Clevelanders Against Poverty
Cleveland Housing Network
and
The Empowerment Center of
Greater Cleveland

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, or by First Class Mail, postage prepaid, on this 7th day of February, 2011.



A large, stylized handwritten signature in black ink, which appears to read "Joseph Meissner". The signature is written over a horizontal line.

Joseph Meissner, Attorney