

**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. 11-3223-EL-USF
Service Fund Riders of Jurisdictional Ohio)	
Electric Distribution Utilities.)	

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

Gretchen J. Hummel, Trial Attorney
Frank P. Darr
MCNEES WALLACE & NURICK LLC
Fifth Third Center
21 East State Street, 17th Floor
Columbus, OH 43215-4228
Telephone: (614) 469-8000
Telecopier: (614) 469-4653
ghummel@mwncmh.com
fdarr@mwncmh.com

July 22, 2011

Attorneys for Industrial Energy Users-Ohio

**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. 11-3223-EL-USF
Service Fund Riders of Jurisdictional Ohio)	
Electric Distribution Utilities.)	

MOTION TO INTERVENE

Now comes the Industrial Energy Users-Ohio ("IEU-Ohio") and, pursuant to Section 4903.221, Ohio 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/ Frank P. Darr
Gretchen J. Hummel, Trial Attorney
Frank P. Darr
MCNEES WALLACE & NURICK LLC
Fifth Third Center
21 East State Street, 17th Floor
Columbus, OH 43215-4228
Telephone: (614) 469-8000
Telecopier: (614) 469-4653
ghummel@mwncmh.com
fdarr@mwncmh.com

Attorneys for Industrial Energy Users-Ohio

**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. 11-3223-EL-USF
Service Fund Riders of Jurisdictional Ohio)	
Electric Distribution Utilities.)	

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, Ohio 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 May 31, 2011, 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, 2011. 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

{C34893: }

USF Rider rates to become effective on January 1, 2012, 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/ Frank P. Darr

Gretchen J. Hummel, Trial Attorney

Frank P. Darr

MCNEES WALLACE & NURICK LLC

Fifth Third Center

21 East State Street, 17th Floor

Columbus, OH 43215-4228

Telephone: (614) 469-8000

Telecopier: (614) 469-4653

ghummel@mwncmh.com

fdarr@mwncmh.com

Attorneys for Industrial Energy Users-Ohio

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 22nd day of July, 2011, via electronic transmission.

/s/ Frank P. Darr

Frank P. Darr

SERVICE LIST

Barth Royer
Bell, Royer & Sanders Co., LPA
33 South Grant Avenue
Columbus, OH 43215-3900
barthroyer@aol.com

Colleen L. Mooney
David Rinebolt
Ohio Partners for Affordable Energy
231 West Lima Street
PO Box 1793
Findlay, OH 45939-1793
cmooney2@columbus.rr.com
drinebolt@aol.com

Steven T. Nourse
Matthew Satterwhite
AEP Service Corporation
1 Riverside Plaza
Columbus, OH 43215
stnourse@aep.com
mjsatterwhite@aep.com

Matthew W. Warnock
The OMA Energy Group
BRICKER & ECKLER LLP
100 South Third Street
Columbus, OH 43215-4291
mwarnock@bricker.com

Randall Griffin
Judi Sobecki
The Dayton Power & Light Company
MacGregor Park
1065 Woodman Avenue
Dayton, OH 45432
randall.griffin@DPLINC.com
judi.sobecki@DPLINC.com

Elizabeth Watts
Duke Energy
155 East Broad Street
Columbus, OH 43215
elizabeth.watts@duke-energy.com

Carrie Dunn
Kathy Kolich
FirstEnergy Corp.
76 South Main Street
Akron, OH 44308
cdunn@firstenergycorp.com
kjkolich@firstenergycorp.com

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

7/22/2011 2:23:59 PM

in

Case No(s). 11-3223-EL-USF

Summary: Motion Motion of Industrial Energy Users-Ohio to Intervene and Memorandum in Support electronically filed by Ms. Vicki L. Leach-Payne on behalf of Darr, Frank P. Mr.