

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

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In the Matter of the Amendment of Certain )  
Rules of the Ohio Administrative Code to )  
Implement Sections 4905.261 and )  
4911.021, Revised Code. )

Case No. 05-1350-AU-ORD

PUCO

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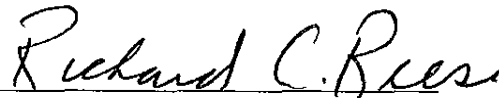
**MOTION TO INTERVENE  
BY  
THE OFFICE OF THE OHIO CONSUMERS' COUNSEL**

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The Office of the Ohio Consumers' Counsel ("OCC"), on behalf of the residential consumers of Ohio's public utilities, moves to intervene in the above-captioned proceeding pursuant to R.C. Chapter 4911, R.C. 4903.221 and Ohio Adm. Code 4901-1-11. The reasons for granting OCC's Motion are further set forth in the attached Memorandum in Support.

Respectfully submitted,

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**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Amendment of            )  
Certain Rules of the Ohio Administrative    )  
Code to Implement Sections 4905.261        )  
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**MEMORANDUM IN SUPPORT**

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**I. INTRODUCTION**

On November 9, 2005, the Public Utilities Commission of Ohio (“Commission” or “PUCO”) issued an Entry in the above-captioned case. The Entry seeks comments “on the appropriate rule changes needed in light of the statutory mandates in Sections 4905.261 and 4911.021, Revised Code.” Specifically, the staff- recommended rule changes alter or remove OCC’s contact information from consumer bills, disconnection notices, the telephone directory, and customer bills of rights. OCC moves to intervene under its legislative authority to represent the interests of Ohio’s utility consumers in the above-captioned case.

**II. ARGUMENT**

OCC has legislative authority to represent Ohio’s residential utility consumers pursuant to R.C. Chapter 4911. The recommended rule revisions limit the access of consumers to the services of OCC, by discontinuing a primary means for consumers to learn of OCC’s contact information. This PUCO action to deny consumers this vital

information comes at a time when others in state government are recognizing the need to do more, not less, for Ohioans facing extreme increases in their winter heating bills. The interests of residential customers thus are “adversely affected” by this case, meeting the intervention standard in R.C. 4903.221.

R.C. 4903.221(B) sets forth the following criteria for the Commission’s consideration of a motion for intervention:

- (1) The nature and extent of the prospective intervenor’s interest;
- (2) The legal position advanced by the prospective intervenor and its probable relation to the merits of the case;
- (3) Whether the intervention by the prospective intervenor will unduly prolong or delay the proceeding; and
- (4) Whether the prospective intervenor will significantly contribute to the full development and equitable resolution of the factual issues.

The nature and extent of residential consumers’ interest in this proceeding merit OCC’s intervention because it is inappropriate to deny Ohio’s consumers notice on how to contact the OCC to receive information and education on their rights as utility customers. OCC’s legal position is significantly related to the merits of the case because the PUCO’s blanket waiver is not required by any law or rule. OCC will not unduly prolong or delay the case. OCC will significantly contribute to the full development and equitable resolution of the factual issues herein because of OCC’s long history of assisting consumers. Therefore, OCC has met the criteria set forth in R.C. 4903.221.

For the reasons stated above, OCC also meets the similar criteria of Ohio Adm. Code 4901-1-11(B). The criteria of that rule afford intervention when “[t]he person has a real and substantial interest in the proceeding, and the person is so situated that the disposition of the proceeding may, as a practical matter, impair or impede his or her

ability to protect that interest, unless the person's interest is adequately represented by existing parties." Ohio Adm. Code 4901-1-11(A)(2). OCC meets this criterion for intervention, because OCC's interest is in ensuring that Ohio's residential utility consumers are not unduly and adversely affected by the PUCO's decision to limit their access to information about the state government services of OCC. No existing party to this proceeding can adequately represent that interest. The Motion to Intervene should be granted.

### III. CONCLUSION

At a time when others in government are acting to improve the delivery of services to Ohioans as they face a winter of unprecedented increases in energy costs, the PUCO acted to limit the ability of Ohioans to learn of the services of a state agency, OCC, that can offer assistance. For the reasons stated above, OCC meets the criteria set forth in R.C. 4903.221 and the Commission's rules regarding intervention. On behalf of Ohio's residential utility consumers, the OCC respectfully requests that the Commission grant its Motion to Intervene.

Respectfully submitted,

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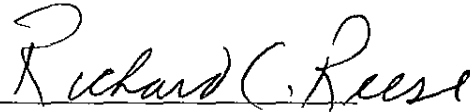


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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Motion to Intervene of the Office of the Ohio Consumers' Counsel was served by first class United States Mail, postage prepaid, to the persons listed below, on this 9th day of December 2005.



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