

FILE

BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

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In the Matter of the Regulation of the Fuel)
And Economy Purchased Power)
Component of the Cincinnati Gas &)
Electric Company's Market-Based)
Standard Service Offer.)

Case No. 05-806-EL-UNC

In the Matter of the Application of the)
Cincinnati Gas & Electric Company to)
Modify Its Fuel and Economy Purchased)
Power Component of Its Market-Based)
Standard Service Offer.)

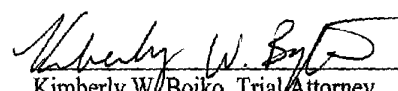
Case No. 05-725-EL-UNC

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

Pursuant to R.C. Chapter 4911, R.C. 4903.221, and Ohio Adm.Code 4901-1-11, the Office of the Ohio Consumers' Counsel ("OCC"), on behalf of the residential utility consumers, moves the Public Utilities Commission of Ohio ("Commission") to grant OCC's intervention in the above-captioned proceedings. The reasons for granting OCC's intervention are further set forth in the attached Memorandum in Support.

Respectfully submitted,

Janine L. Migden-Ostrander
Consumers' Counsel


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MEMORANDUM IN SUPPORT

On June 1, 2005, the Cincinnati Gas & Electric Company ("CG&E") filed an application with the Commission in Case No. 05-725-EL-UNC to establish the fuel and economy purchased power ("FPP") component of CG&E's market-based standard service offer as authorized by the Commission in CG&E's rate stabilization plan proceeding.¹ Subsequently, the Commission opened docket 05-806-EL-UNC to review the reasonableness of the FPP costs and established the review periods for CG&E's future annual audit filings.² The Entry also explained the future quarterly filings and established a case docketing system for submission of those filings.³

Pursuant to R.C. Chapter 4911, the OCC moves to intervene under its authority to represent the interests of the approximately 600,000 residential electric utility customers of

¹ See *In the Matter of the Application of The Cincinnati Gas & Electric Company to Modify Its Nonresidential Generation Rates To Provide for Market-Based Standard Service Offer Pricing and to Establish an Alternative Competitive Bid Service Rate Option Subsequent to the Market Development Period*, Case No. 03-93-EL-ATA, Entry on Rehearing (November 23, 2004).

² See Entry at 2-3 (June 29, 2005).

³ Id. at 2.

CG&E.⁴ Pursuant to the intervention standard in R.C. 4903.221, the interests of residential electric customers in areas served by CG&E may be “adversely affected” by these proceedings.

The OCC meets the Commission’s required showing for a party that has a “real and substantial interest” according to Ohio Adm.Code 4901-1-11(A)(2), and should therefore be permitted to intervene in these proceedings. Ohio Adm.Code 4901-1-11(B) states that the Commission may consider (1) the “nature of the person’s interest,” (2) the “extent to which the person’s interest is represented,” (3) whether the intervention “would unduly delay the proceeding,” and (4) the person’s “contribution to a just and expeditious resolution of the issues.”

These factors are also stated, in principal part, in the criteria set forth in R.C. 4903.221(B) for the Commission’s consideration in deciding whether to grant a request for intervention:

- (1) The nature and extent of the prospective intervenor’s interest;
- (2) The legal position advanced by the prospective intervenor;
- (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 the OCC’s interest lies in preventing excessive, unjustified, unreasonable, or unlawful rates and charges for residential electric service and in the provision of services that will effectively and efficiently serve the energy needs of residential customers. The OCC’s intervention will not unduly prolong or delay these proceedings, but should provide

⁴ For example, R.C. 4911.15 provides:

The consumers’ counsel * * * may represent those [residential] customers or [municipal] corporations whenever an application is made to the public utilities commission by any public utility desiring to establish, modify, amend, charge, increase, or reduce any rate, joint rate, toll, fare, classification, charge, or rental.

insights that will expedite the Commission's treatment of the Application. The OCC will significantly contribute to the full development and equitable resolution of the issues herein. The OCC brings its statewide, residential consumer perspective to these proceedings that is different than that of CG&E or any other intervenor in these proceedings. The OCC's interest in these cases is consistent with its statutory role as the representative of residential consumers of public utility service.

The OCC meets the criteria set forth in the Commission's rules and R.C. 4903.221. Therefore, on behalf of CG&E's approximately 600,000 residential electric customers, the OCC respectfully requests that the Commission grant its Motion to Intervene.

Respectfully submitted,

Janine L. Migden-Ostrander
Consumers' Counsel

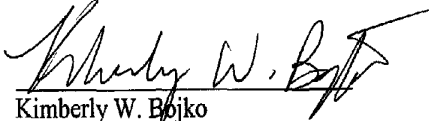


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CERTIFICATE OF SERVICE

I hereby certify that a copy of the OCC's *Motion to Intervene* was served upon the following parties via first class mail, this 5th day of October 2005.


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