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LEGAL AID SOCIETY OF DAYTON, INC.

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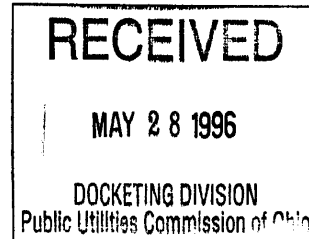
GARY J. WESTON
Executive Director

May 24, 1996

The Public Utility Commission of Ohio
180 E. Broad, 10th Floor
Columbus, OH 43215-3793

ATTENTION: Docketing Division

Re: Case Nos. 96-382-TP-ACE

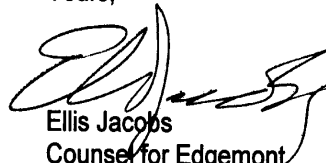


Dear Sir or Madam:

Enclosed is the Motion to Intervene and Request for Hearing our office has prepared for filing in reference to the above captioned case. You will find an original and fourteen (14) copies. Please return extra file-stamped copies in the enclosed prepaid envelope.

Thank you.

Yours,


Ellis Jacobs
Counsel for Edgemont
Neighborhood Coalition

EJ:afm
Enclosures

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DOCKETING DIVISION
Public Utilities Commission of Ohio

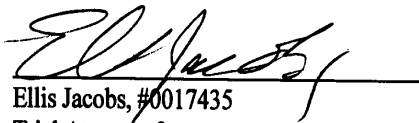
BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application)
of TCG Cleveland for a Certificate) CASE NO. 96-382-TP-ACE
of Public Convenience and Necessity)
to Provide Switched Telecommunications)
Services in all or Portions of the Counties of)
Cuyahoga, Greene, and Montgomery, Ohio)

MOTION TO INTERVENE AND REQUEST FOR HEARING

On April 18, 1996, TCG Cleveland (TCG), filed with the Public Utilities Commission of Ohio an Application for a Certificate of Public Convenience and Necessity in this docket. The Edgemont Neighborhood Coalition (Edgemont) now asks for leave to intervene and requests an oral hearing in this proceeding. The reasons supporting the granting of this Motion are set forth in the attached Memorandum in Support.

Respectfully submitted,



Ellis Jacobs, #0017435
Trial Attorney for
Edgemont Neighborhood Coalition
LEGAL AID SOCIETY OF DAYTON
333 West First Street, Suite 500
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(513) 228-8088

MEMORANDUM IN SUPPORT

I. INTRODUCTION

Edgemont Neighborhood Coalition, Inc. (Edgemont) is a non-profit community organization located in Montgomery County, Ohio. The group is comprised residents of the Edgemont neighborhood, a low-income African American neighborhood in Dayton, who have associated in order to foster pride in their neighborhood and address the issues of crime, youth and adult joblessness, inadequacy of educational opportunities and business and community development. In addition to being a community organization, Edgemont functions as a small business, operating an office, storefront, community garden and community computer center. Edgemont is, and has been, actively concerned with telecommunications issues.

II. THE STANDARDS FOR INTERVENTION

Rule 4901-1-11(A), Ohio Admin. Code, provides that

Upon timely motion, any person **shall** be permitted to intervene upon a showing that:

(2) The 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.

(Emphasis added.)

In addition, R.C. 4903.221 provides that the Commission,

In ruling upon applications to intervene in its proceedings, shall consider the following criteria:

- (1) The nature and extent of the prospective intervenor's interest;
- (2) The legal position advanced by the prospective intervenor and its probable relations to the merits of the case;
- (3) Whether the intervention by the prospective intervenor will unduly prolong or delay the proceedings;

(4) Whether the prospective intervenor will significantly contribute to the full development and equitable resolution of the factual issues.

Finally, Rules 4901-1-11(B), Ohio Admin. Code, provides that

Upon timely motion, any person **may** be permitted to intervene in a proceeding upon a showing that the person has a real and substantial interest in the proceeding.

(Emphasis added.)

Edgemont's intervention herein should be granted under any of these standards.

III. **EDGEMONT'S INTERVENTION SHOULD BE GRANTED**

A. Edgemont's Motion is Timely.

The instant Motion is being filed before any deadline for the filing of Motions to Intervene.

B. Edgemont has a real and substantial interest in the proceeding.

TCG seeks to provide local telephone service in Montgomery County. The low-income customers in Montgomery County which Edgemont represents have a real and substantial interest in ensuring that TCG possesses the managerial, financial, and technical capabilities to provide those services. Edgemont, in its capacity as a small business also has an interest in ensuring those capabilities. Edgemont has a further interest in preserving its right to participate in any subsequent phases of this case.¹

Edgemont is the only party seeking intervention in this case which specifically represents the interests of low-income residential customers and small inner-city businesses in Montgomery County. The disposition of this case in Edgemont's absence would impede

¹ *In the Matter of the Application of Time Warner Communication of Ohio, et.al.*, Case No. 94-1695-TP-ACE, Opinion and Order (August 24, 1995).

Edgemont's ability to protect its interests.

C. Edgemont's Intervention will contribute to an equitable resolution and will not unduly prolong or delay the proceedings.

Edgemont will not unduly delay this proceeding. Edgemont has been granted intervention in all previous applications by competitive local exchange service providers for Certificates of Public Convenience and Necessity involving Montgomery County. Edgemont has substantially contributed to the full development and equitable and timely resolution of each of those cases and to other telecommunications cases before the Commission.

IV. CONCLUSION

Therefore, for the reasons set forth above, Edgemont requests that its Motion to Intervene and Request for Oral Hearing be granted.

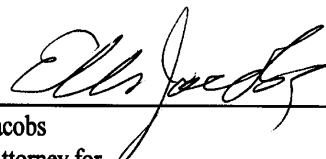
Respectfully submitted,



Ellis Jacobs, #0017435
Trial Attorney for
Edgemont Neighborhood Coalition
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Dayton, Ohio 45402
(513) 228-8088

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion to Intervene and Request for Hearing was served by regular U.S. mail, postage prepaid upon the following persons this 24th day of May, 1996.



Ellis Jacobs
Trial Attorney for
Edgemont Neighborhood Coalition

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