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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 Cincinnati )  
Bell Telephone Company for Approval of a )  
Retail Pricing Plan Which May Result in Future ) Case No. 96-899-TP-ALT  
Rate Increases and for a New Alternative )  
Regulation Plan. )

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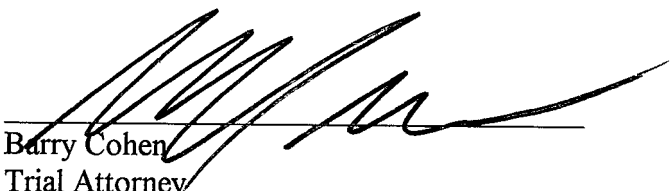
**THE OHIO CONSUMERS' COUNSEL'S  
MOTION TO INTERVENE**

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Robert S. Tongren, in his capacity as the Ohio Consumers' Counsel (OCC), moves the Public Utilities Commission of Ohio to grant his intervention on behalf of residential consumers in this matter pursuant to Chapter 4911 and Section 4903.221 of the Ohio Revised Code and Rule 4901-1-11 of the Ohio Administrative Code, for the reasons set forth in the attached Memorandum in Support.

Respectfully submitted,

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**MEMORANDUM IN SUPPORT**

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On May 5, 1994, in *Cincinnati Bell Telephone Company*, Case No. 93-432-TP-ALT, the Commission adopted the unanimous Stipulation and Recommendation of the parties and approved an alternative regulation plan for Cincinnati Bell Telephone Company (CBT). The OCC was an intervenor in Case No. 93-432-TP-ALT, and a signatory to the stipulation approved therein. On July 18, 1996, CBT filed an application in Case No. 96-707-TP-UNC to amend its alternative regulation plan and an application in Case No. 96-708-TP-UNC to temporarily suspend/modify the requirements of § 251(b) and (c) of the Telecommunications Act of 1996 and of the Commission's local service guidelines. The OCC moved to intervene in Case Nos. 96-707-TP-UNC and 96-708-TP-UNC on August 5, 1996.

On September 5, 1996, the Commission issued an Entry in 93-432-TP-ALT, 96-707-TP-UNC and 96-708-TP-UNC which denied CBT's application to suspend/modify and found that the amendments proposed by CBT to its plan "are significant and raise many fundamental policy issues." Entry at 3. In addition, the Commission noted that CBT's proposed amendments were "much broader than the Commission contemplated when, in the alternative regulation guidelines, we provided for amendments to an existing alternative regulation plan." *Id.* The Commission found CBT's request for approval of a retail pricing plan which may result in future rate increases to be an application for a new

alternative regulation plan and established this docket to consider adoption of CBT's proposal if CBT chooses to refile. *Id.*

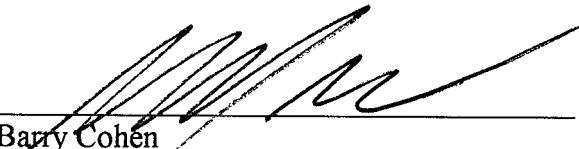
The OCC has legislative authority to represent the residential consumers of utilities in Ohio pursuant to Chapter 4911 of the Ohio Revised Code. CBT's application has sweeping implications for the residential customers of CBT. As noted by the Commission, CBT proposes a change from rate of return regulation to a form of price regulation. Customers receiving extended area service, Centrex service, or directory assistance or who are moved to a new rate band may experience a rate increase. The proposed plan has no termination date and eliminates or modifies much of the alternative regulation plan now in effect. *Id.* Therefore, because residential consumers of basic local exchange telephone service in Ohio may be adversely affected by this proceeding, the OCC's intervention is justified pursuant to Section 4903.221 of the Ohio Revised Code.

The OCC represents that the nature and extent of residential consumers' interest in this proceeding merits his intervention, that he will significantly contribute to the full development and equitable resolution of the factual issues in this matter, that his intervention will not unduly prolong or delay the proceedings and that his legal position is significantly related to the merits of the case. Ohio Rev. Code § 4903.221(B). Moreover, the OCC's interest is not adequately represented by existing parties to the case. Ohio Admin. Code § 4901-1-11(B).

WHEREFORE the Ohio Consumers' Counsel respectfully requests that the Commission grant his intervention in this proceeding.

Respectfully submitted,

ROBERT S. TONGREN  
OHIO CONSUMERS' COUNSEL




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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the Ohio Consumers' Counsel's Motion to Intervene was served by first class mail, postage prepaid, or hand-delivered on the parties identified below this 2nd day of October, 1996.

  
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