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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 Gas & Electric Company to)
 Modify its Non-Residential Generation)
 Rates to Provide for Market-Based) Case No. 03-93-EL-ATA
 Standard Service Offer Pricing and to)
 Establish a Pilot Alternative)
 Competitively-Bid Service Rate Option)
 Subsequent to Market Development)
 Period)

In the Matter of the Application of The)
 Cincinnati Gas & Electric Company for)
 Authority to Modify Current Accounting)
 Procedures for Certain Costs) Case No. 03-2079-EL-AAM
 Associated With The Midwest)
 Independent Transmission System)
 Operator)

In the Matter of the Application of The)
 Cincinnati Gas & Electric Company for)
 Authority to Modify Current Accounting) Case No. 03-2081-EL-AAM
 Procedures for Capital Investment in Its) Case No. 03-2080-EL-ATA
 Electric Transmission And Distribution)
 System And to Establish a Capital)
 Investment Reliability Rider to be)
 Effective After the Market Development)
 Period)

MOTION TO INTERVENE by COMMUNITIES UNITED FOR ACTION

In accordance with the Commission's Administrative Provisions, OAC 4901-1-1,
 Communities United for Action moves that they be allowed to intervene as a full party in
 the four applications of Cincinnati Gas & Electric Company cited above. The

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reasons supporting the granting of this Motion are set forth in the attached Memorandum in Support.

Respectfully submitted,

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DATED:

MEMORANDUM IN SUPPORT

I. INTRODUCTION

Communities United for Action (CUFA) is a nonprofit corporation based in Cincinnati, Ohio. CUFA is a multi-issue community organization that brings together organizations and communities representing a variety of cultural and ethnic backgrounds and economic levels, with particular emphasis on working class neighborhoods in Cincinnati's Millcreek Valley. CUFA's goals include mobilizing community residents to act as advocates on decisions that determine the quality of their lives. CUFA is comprised of almost 50 local organizations and institutions, including tenant associations, community councils, churches, and senior citizens organizations. A list of member organizations is attached to this motion.

II. THE STANDARDS FOR INTERVENTION

The standards for intervention are provided in both statute and the administrative code.

Rule 4901-1-11(A), Ohio Administrative 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.

R.C. 4903-221 provides that the Commission consider the following criteria when ruling upon applications to intervene in proceedings.

(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 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.

O.A.C. 4901-1-11(B) 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.

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

III. CUFA'S INTERVENTION SHOULD BE GRANTED

A. CUFA'S Motion is Timely

The instant motion has been filed before the deadline for the filing of Motions to intervene.

B. CUFA has a Real and Substantial Interest in the Proceeding

CUFA's constituency includes many low income customers, for whom electric service is essential. CG&E's proposed Rate Stabilization Plan could seriously affect the affordability of that service for those low income customers. CUFA's interest is in minimizing residential rate increases, assuring genuine, affordable payment options for low income customers, and assuring that CG&E provides the highest quality customer service.

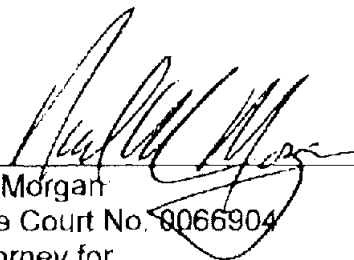
IV. CUFA'S INTERVENTION WILL CONTRIBUTE TO AN EQUITABLE RESOLUTION AND WILL NOT UNDULY PROLONG OR DELAY THE PROCEEDING.

CUFA will not unduly delay this proceeding. CUFA intends to present important evidence that the Commission otherwise might not hear regarding the necessity for affordable and high quality service for lower income customers. A CUFA affiliate, Citywide Coalition for Utility Reform, has served this role in prior gas and electric proceedings; CUFA was an intervenor in Cincinnati Bell's 1997 Alternative Regulation Case and CG&E's 2001 gas case, and has been an active participant in numerous proceedings involving the Commission's uniform disconnection regulations and EARP. In each instance CUFA has made significant contributions to the full development of an equitable and timely resolution of those cases.

V. CONCLUSION

Therefore, for the reasons set forth above, CUFA requests that the Commission grant its Motion to Intervene.

Respectfully submitted,

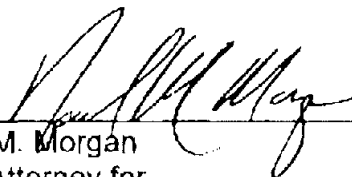


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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing pleading was served on the following either facsimile or by first class U.S. mail, postage prepaid, upon the following, this 9th day of March, 2004.



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