

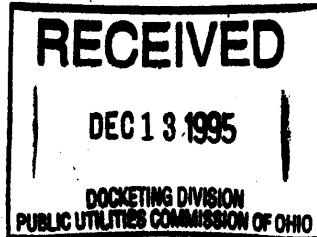


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## LEGAL AID SOCIETY OF DAYTON, INC.

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GARY J. WESTON  
Executive Director



December 12, 1995

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

ATTN: Docketing Division

Re: Case Nos. 95-814-TP-ACE and 95-876-TP-ACE

Dear Sir or Madam:

Enclosed please find an original and 12 copies of the *Motion to Intervene and Request for Hearing* for filing in each of the above-captioned cases. Please file and return the extra copies in the enclose self-addressed stamped envelope.

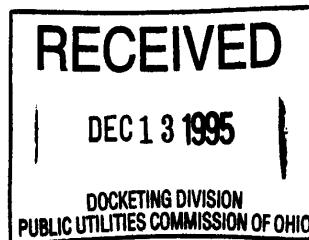
Thank you very much.

Yours,

Ellis Jacobs  
Trial Attorney for Edgemont  
Neighborhood Coalition

EJ:smh  
Enclosures

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BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application )  
of ICG Access Services, Inc. )  
for a Certificate of Public )  
Convenience and Necessity to )  
Provide Local Exchange Services )  
Services in Certain Specified )  
Areas in Ohio )

CASE NO. 95-814-TP-ACE

MOTION TO INTERVENE AND REQUEST FOR HEARING

On August 31, 1995, ICG Access Services, Inc. (ICG) 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,

A handwritten signature in cursive script, appearing to read "Ellis Jacobs". The signature is written in black ink and is positioned above a horizontal line.

Ellis Jacobs, #0017435 )  
Trial Attorney for  
Edgemont Neighborhood Coalition  
LEGAL AID SOCIETY OF DAYTON  
333 West First Street, Suite 500  
Dayton, Ohio 45402  
(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 of fixed and low income residents of the Edgemont neighborhood, a primarily 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. 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:

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(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 scheduling Entry in this case established a December 15, 1995 deadline for the filing of motions to intervene. The instant Motion is being filed before that deadline.

#### B. The Interests of Low Income Residential Consumers in Montgomery County and of Very Small Urban Businesses Are Not Otherwise Adequately Represented.

ICG seeks to provide local telephone service in Montgomery County. Edgemont seeks to ensure that the promised benefits of local telephone competition are available to and appropriate for low income residential customers in Montgomery County. In addition, Edgemont seeks to ensure that ICG's proposed service furthers the goal of universal service by addressing affordability barriers which keep many low income families from having telephones. Edgemont seeks to ensure that ICG facilitates low income access to the computer networking capability of their system. Edgemont also seeks to ensure that the benefits it fought for in the Ameritech alternative regulation case

are protected and not undermined by cream skimming. Finally, Edgemont, which operates an office and storefront, seeks to ensure that the benefits of local phone competition are available to and appropriate for small fledgling businesses like itself. Edgemont is the sole representative of these interests to seek intervention in this proceeding.

**C. The Interests of Low Income Residential Consumers in This Proceeding Are Real and Substantial.**

If ICG is to serve residential customers, then low income customers in Montgomery County clearly have a real and substantial interest in ensuring that, in particular, ICG possesses the managerial financial, and technical capabilities to provide those services. As a representative of those consumers, Edgemont has a real and substantial interest in ICG's capabilities. Edgemont's intervention has been granted by the PUCO in each of three earlier local telephone certification cases involving Montgomery County heard by the Commission.

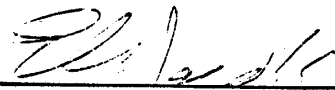
**IV. REQUEST FOR ORAL HEARING**

Edgemont requests an oral hearing. R.C. 4905.24 requires a hearing prior to the grant of a certificate of convenience and necessity. Nothing in R.C. Chapter 4927 does away with that requirement.

**V. CONCLUSION**

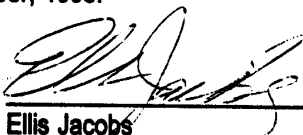
Wherefore, for the reasons set forth above, Edgemont's intervention in this case should be granted, and an oral hearing should be held on ICG's application.

Respectfully submitted,

  
\_\_\_\_\_  
Ellis Jacobs  
Attorney for  
Edgemont Neighborhood Coalition  
LEGAL AID SOCIETY OF DAYTON  
333 West First Street, Suite 500  
Dayton, Ohio 45402  
(513) 228-8088

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Motion to Intervene and Request for Oral Hearing were served by regular U.S. mail, postage prepaid upon the following persons this 12<sup>th</sup> day of December, 1995.

  
\_\_\_\_\_  
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Edgemont Neighborhood Coalition

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