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**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

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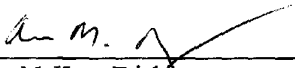
In the Matter of the Application of)
Ohio-American Water Company)
To Increase its Rates for Water and Sewer) Case No. 03-2390-WS-AIR
Services Provided to its Entire Service Area)

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

Now comes the Office of the Ohio Consumers' Counsel ("OCC"), and moves the Public Utilities Commission of Ohio ("Commission") to grant the OCC intervention on behalf of residential consumers of Ohio American Water Company ("Company") in these matters pursuant to Chapter 4911 and Section 4903.221 of the Ohio Revised Code and Rule 4902-1-11 of the Ohio Administrative Code, for the reasons set forth in the attached Memorandum in Support.

Respectfully submitted,

JANINE L. MIGDEN-OSTRANDER
CONSUMERS' COUNSEL


Ann M. Hotz, Trial Attorney
Assistant Consumers' Counsel

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MEMORANDUM IN SUPPORT

The OCC has authority pursuant to Chapter 4911, Ohio Revised Code to represent the residential consumers of the Company in this matter. OCC wishes to exercise that authority and intervene in these proceedings on behalf of the Company's residential consumers. Ohio Rev. Code §4903.221(B) sets forth certain criteria for the Commission's consideration in deciding whether to grant a request for intervention.

Those criteria are:

- (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.

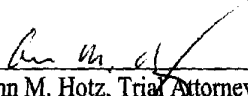
Id.

The OCC represents that the nature and extent of residential consumers' interest in this proceeding merits its intervention, that it will significantly contribute to the full development and equitable resolution of the factual issues herein, that its intervention will not unduly prolong or delay the proceeding, and its legal position is significantly related to the merits of the case. Therefore, the OCC meets the criteria for intervention set forth in Ohio Rev. Code §4903.221. In addition, intervention is further warranted because the existing parties in the case do not adequately represent the OCC's interest. Ohio Adm. Code §4901-1-11(B).

WHEREFORE, the OCC respectfully requests that the Commission recognize its intervention herein.

Respectfully submitted,

JANINE L. MIGDEN-OSTRANDER
CONSUMERS' COUNSEL

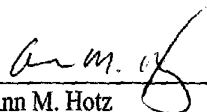


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CERTIFICATE OF SERVICE

I hereby certify that copies of the Office of the Ohio Consumers' Counsel's Motion to Intervene, have been served by first class mail, postage prepaid to the following parties of record this 27th day of April, 2004.



Ann M. Hotz
Assistant Consumers' Counsel

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