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**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of)
Columbia Gas of Ohio, Inc. for Authority)
To Modify its Accounting Procedures to) Case No. 07-237-GA-AAM
Provide for the Deferral of Expenses)
Related to the Commission's)
Investigation of the Installation, Use,)
And Performance of Natural Gas)
Service Risers)

**MOTION OF
OHIO PARTNERS FOR AFFORDABLE ENERGY
TO INTERVENE, MEMORANDUM IN SUPPORT
AND MOTION TO PRACTICE PRO HAC VICE BEFORE THE
COMMISSION**

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April 3, 2007

**Counsel for Ohio Partners
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**MOTION TO INTERVENE OF
OHIO PARTNERS FOR AFFORDABLE ENERGY**

Ohio Partners for Affordable Energy (OPAE) hereby respectfully moves for leave to intervene in the above-captioned matters pursuant to § 4903.221, Ohio Revised Code (O.R.C.) and §4901-1-1-11 of the Commission's Code of Rules and Regulations, with full powers and rights granted, by the Commission specifically, by statute or by the provisions of the Commission's Code of Rules and Regulations, to intervening parties. The reasons for granting this motion are contained in the memorandum attached hereto and incorporated herein.

Respectfully submitted,



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**MEMORANDUM IN SUPPORT OF THE MOTION TO INTERVENE
OF OHIO PARTNERS FOR AFFORDABLE ENERGY**

I. Memorandum in Support

Ohio Partners for Affordable Energy (OPAE) should be permitted to intervene in this matter pursuant to §4903.221, O.R.C., and the Commission's Rules and Regulation, specifically § 4901-01-11(B), Ohio Administrative Code (O.A.C.). As required by those provisions OPAE is a real parties in interest herein, whose interest is not now represented, who can make a contribution to the proceeding and will not unduly delay the proceeding nor prejudice any existing party.

OPAE is a nonprofit organization representing the interests of over sixty nonprofits providing energy assistance to low income families throughout the State of Ohio. Its corporate purpose is to promote affordable energy policies and preserve access to essential energy services for all Ohioans. OPAE members operate bill assistance, weatherization, energy efficiency, and consumer education programs throughout Ohio. In addition, OPAE member

agencies also receive utility service from Columbia Gas of Ohio, Inc. (COH).¹ Moreover, many of OPAE's members are community action agencies. Under the federal legislation authorizing the creation and funding of these agencies, originally known as the Economic Opportunity Act of 1964, community action is charged with advocating for low-income residents of their communities.²

OPAE has a real and substantial interest in this proceeding by virtue of the direct impact of the requested deferrals on their members located in the service territory of COH. Further, OPAE has been recognized by the Commission in the past as an advocate for consumers and particularly low-income consumers, all of whom will be affected by the outcome of this case.

¹ A list of OPAE members can be found on the website: www.ohiopartners.org.

² See 42 U.S.C. 672:

The purposes of this subtitle are--

(1) to provide assistance to States and local communities, working through a network of community action agencies and other neighborhood-based organizations, for the reduction of poverty, the revitalization of low-income communities, and the empowerment of low-income families and individuals in rural and urban areas to become fully self-sufficient (particularly families who are attempting to transition off a State program carried out under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.)); and

(2) to accomplish the goals described in paragraph (1) through--

(A) the strengthening of community capabilities for planning and coordinating the use of a broad range of Federal, State, local, and other assistance (including private resources) related to the elimination of poverty, so that this assistance can be used in a manner responsive to local needs and conditions;

(B) the organization of a range of services related to the needs of low-income families and individuals, so that these services may have a measurable and potentially major impact on the causes of poverty in the community and may help the families and individuals to achieve self-sufficiency;

(C) the greater use of innovative and effective community-based approaches to attacking the causes and effects of poverty and of community breakdown;

(D) the maximum participation of residents of the low-income communities and members of the groups served by programs assisted through the block grants made under this subtitle to empower such residents and members to respond to the unique problems and needs within their communities; and

(E) the broadening of the resource base of programs directed to the elimination of poverty so as to secure a more active role in the provision of services for--

(i) private, religious, charitable, and neighborhood-based organizations; and

(ii) individual citizens, and business, labor, and professional groups, who are able to influence the quantity and quality of opportunities and services for the poor.

For the above reasons, OPAE has a direct, real and substantial interest in this proceeding.

OPAE's participation in these proceedings will not cause undue delay, will not unjustly prejudice any existing party, and will contribute to the just and expeditious resolution of the issues and concerns raised in these proceedings. Furthermore, other parties to the proceedings will not adequately represent the interests of OPAE because of the unique perspective it brings to utility matters. Therefore, OPAE is entitled to intervene in these proceedings with the full powers and rights granted, by the Commission specifically, by statute, and by the provisions of the Commission's Codes of Rules and Regulations, to intervening parties.

II Comments

The appropriate venue for determining the recovery of costs associated with complying with the Commission's Order regarding natural gas risers is through a base rate case.³ COH has not been subjected to a rigorous rate review since 1994. Significant changes have occurred in the utility industry since that time; COH has also gone through extensive restructuring. Since the Company is currently responsible for maintenance and inspection of gas riser facilities, funding for these functions is included in base rates. Unlike a company that has had a recent rate case, the ability to unravel how much the COH is currently collecting and expending related to gas risers would be difficult if not impossible to determine. A rate case is the appropriate solution.

³ *In the Matter of the Investigation of the Installation, Use and Performance of Natural Gas Service Risers throughout the State of Ohio and Related Matters*, Case No. 05-463-GA-COI.

COH states that it has already incurred \$251,197 in expenses related to the Commission Order in Case No. 05-4630GA-COI and requests authority to defer those as well as future costs. Ohio does not permit retroactive ratemaking.⁴ Moreover, there is no evidence that existing rates fail to adequately compensate the Company for this ongoing responsibility.

Finally, some of the costs COH seeks to recover stretch the bounds of credulity. Apparently, COH has never tracked the types of risers installed and now has to pay consultants to estimate data it should already possess. Training expenses, labor and other expenses associated with testing and sampling are already in base rates. Current rates include funds for interaction with the Commission; based on COH's position, any new docket at the Commission must justify a deferral for the costs of talking with Staff (Oh that advocates had such a luxury). But the most ludicrous request is associated with 'incremental expenses incurred at Columbia's contact center....'⁵ It is common knowledge that COH, along with all Ohio utilities, have closed almost all customer service centers. OPAE suspects that the savings associated with these closures can somehow cover the costs of dealing with a customer calls related to risers.

III. Conclusion

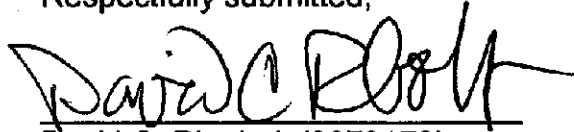
OPAE meets the criteria established to justify intervention under Ohio law and regulations, and therefore requests that the Commission grant intervention in this matter. OPAE urges the Commission not to acquiesce to the broad, ill-defined deferrals requested by COH. These activities have always been

⁴ See §§4909.18 and 4909.19, Ohio Revised Code.

⁵ *Application* at 3.

Columbia's responsibility; the fact that they have not focused on their responsibilities as a public utility required to provide adequate service at just and reasonable rates is not a good reason for additional deferrals that will ultimately result in higher bills for customers.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "David C. Rinebolt", written over a horizontal line.

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**MOTION TO ADMIT DAVID C. RINEBOLT TO PRACTICE
PRO HAC VICE BEFORE THE COMMISSION**

Pursuant to Rule 4901-1-08(B) of the Ohio Administrative Code, Colleen L. Mooney (0015668), an attorney licensed to practice in the State of Ohio, respectfully petitions the Public Utilities Commission of Ohio ("Commission") to permit David C. Rinebolt to practice *pro hac vice* before the Commission in the above-referenced proceedings. Mr. Rinebolt represents Ohio Partners for Affordable Energy, an Ohio corporation engaged in advocating for affordable energy policies.

Mr. Rinebolt graduated from the Columbus School of Law of the Catholic University of America in May 1981. As an active member of the District of Columbia Bar, Bar No. 367210, Mr. Rinebolt is licensed to practice before the federal courts of the District of Columbia. Furthermore, Mr. Rinebolt has practiced law continuously since being admitted to the District of Columbia Bar in October 1982. Mr. Rinebolt is also registered with the Ohio Bar under provisions granting corporate status, Ohio Bar No. 0073178.

WHEREFORE, Colleen L. Mooney respectfully requests that David C. Rinebolt be permitted to practice before the Commission in the aforementioned proceedings.

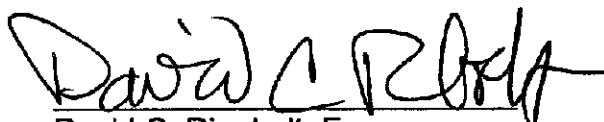
Respectfully submitted,

Colleen L. Mooney - *DR*

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CERTIFICATE OF SERVICE

I hereby certify that a copy of this Motion to Intervene, Memorandum in Support, and Motion to Practice *Pro Hac Vice* were served by regular U.S. Mail, postage prepaid, upon the parties of record identified below on this 3rd day of April, 2007.



David C. Rinebolt, Esq.
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