

**FILE**

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

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**PUCO**

In the Matter of the Application of The East )  
Ohio Gas Company, dba Dominion East )  
Ohio, for Approval of a General Exemption )  
Of Certain Natural Gas Commodity Sales )  
Services or Ancillary Services. )

Case No. 07-1224-GA-EXM

**MOTION TO INTERVENE OF  
THE NATIONAL ENERGY MARKETERS ASSOCIATION**

Now comes the National Energy Marketers Association ("NEM") pursuant to Section 4903.221, Revised Code and Rule 4901-1-11 of the Ohio Administrative Code ("OAC"), and moves for intervention in the above styled docket as a full party of record. NEM has a real and substantial interest in this matter for the reasons set forth in the accompanying memorandum in support.

WHEREFORE, for the reasons stated below, NEM requests that its motion for intervention be granted and that it be made a full party of record.

Respectfully Submitted,

*Craig G. Goodman*

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<b>Ohio, for Approval of a General Exemption</b>	)	
<b>Of Certain Natural Gas Commodity Sales</b>	)	
<b>Services or Ancillary Services.</b>	)	

**MEMORANDUM IN SUPPORT**

Dominion East Ohio (DEO) filed an application on December 28, 2007, requesting approval of Phase Two of its plan to exit the merchant function and also requested a general exemption from provisions of Chapters 4905, 4909, 4933 and 4935, Revised Code, pertaining to DEO's commodity sales service and ancillary services. NEM participated in DEO's Phase One proceeding and the continued ability of NEM's members to participate in the restructured natural gas market in the DEO service territory will be affected by the outcome of the instant Phase Two proceeding.

**I. NEM SHOULD BE GRANTED INTERVENTION AS A PARTY OF RECORD**

Pursuant to Section 4903.221, Revised Code and Rule 4901-1-11 of the Ohio Administrative Code ("OAC"), NEM moves for intervention in the above styled docket as a full party of record. NEM has a real and substantial interest in this matter for the reasons set forth herein.

Rule 4901-1-11 of the OAC states in part:

Upon timely motion, any person shall be permitted to intervene in a proceeding 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.

Among the factors to be considered are the nature of the intervenor's interests, the extent those interests are represented by existing parties, the intervenor's potential contribution to a just and expeditious resolution of the issues involved, and whether intervention would result in an undue delay of the proceeding. *Id.* See also R.C. 4903.221(B). A review of these factors in light of following facts requires NEM's intervention. Indeed, it bears noting that NEM participated as an intervenor in DEO's Phase One proceeding.

The National Energy Marketers Association (NEM) is a non-profit trade association representing wholesale and retail marketers of natural gas, electricity, as well as energy and financial related products, services, information and advanced technologies throughout the United States, Canada and the European Union. NEM's membership includes independent power producers, suppliers of distributed generation, energy brokers, power traders, electronic trading exchanges and price reporting services, advanced metering, demand side management and load management firms, billing, back office, customer service and related information technology providers. NEM members also include retail energy consumers as well as inventors, patent holders, systems integrators, and developers of solar thin film building integrated photovoltaics, fuel cells, and advanced Broadband over Power Line (BPL), Power Line Communications (PLC) technologies as well as Smart Electricity.<sup>TM</sup> NEM members are committed to helping federal and state lawmakers and regulators to implement a consumer-focused, value-driven transition to a transparent, reliable, price and technology competitive retail

marketplace for energy-related products, services, information and innovative electrical applications and technologies.

NEM, as a representative of a regionally diverse group of providers of energy and energy-related services, has an interest to advocate the implementation of rates, tariffs, operating procedures, standards of conduct, rules, and policies that will ensure the development and maintenance of an efficient, reliable and price competitive natural gas market on DEO's system and in Ohio generally. As natural gas marketers and providers of energy-related services and technologies, various NEM members are serving and intend to serve customers in the Ohio natural gas market, including the residential, commercial, and industrial customer segments in all of the utilities' service territories. The ability of NEM's members to fairly compete in the restructured natural gas industry and thus bring the benefits of additional competition to Ohio natural gas consumers will be affected by the outcome of this proceeding.

The National Energy Marketers Association, as a participant in restructuring proceedings nationwide, will be able to bring a broad perspective, to the deliberative process, and its participation in this proceeding should aid the Commission by enhancing the quality of the record to be developed here. NEM can lend a unique perspective to this proceeding because its membership represents a diverse cross-section of market participants.

Even if other trade associations or individual marketers seek to intervene in this matter, NEM's interests and position are significant and unique given its industry diversity, its interest in serving Ohio's commercial, industrial, and residential customers, plus its its current and early participation in restructuring in Ohio and other multiple

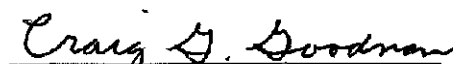
jurisdictions on similar issues, and the substantial business interests of its members in the development of a viable natural gas market in Ohio. Thus, NEM's participation in these proceedings will not cause undue delay, will not unjustly prejudice any existing party, and will contribute to the just and quick resolution of the issues and concerns raised in these proceedings.

As such, the interests of NEM and its members in this proceeding cannot be adequately represented or protected by any other party hereto. Under all these circumstances, then, NEM submits that good cause exists to grant it leave to intervene in this proceeding.

## II. CONCLUSION

WHEREFORE, for the reasons stated above, NEM requests that its motion for intervention be granted and that it be made a full party of record.

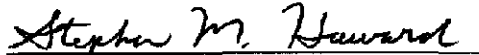
Respectfully submitted,

  
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Dated: February 13, 2008

### CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Motion to Intervene was served via email where applicable and via first class U.S. mail, postage prepaid, this 13<sup>th</sup> day of February, 2008, upon the following persons.

  
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