

**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

**THE NORTHEAST OHIO PUBLIC ENERGY COUNCIL'S  
MOTION TO INTERVENE**

The Northeast Ohio Public Energy Council ("NOPEC") respectfully moves the Public Utilities Commission of Ohio to grant NOPEC's motion to intervene. Ohio Revised Code ("O.R.C.") 4903.221; Ohio Administrative Code ("OAC") 4901-1-11. NOPEC further explains the basis for its Motion in the attached Memorandum in Support.

Respectfully submitted,

  
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**MEMORANDUM IN SUPPORT**

The Northeast Ohio Public Energy Council ("NOPEC"), a regional council of governments established under Chapter O.R.C. Chapter 167, is comprised of 126 member counties, municipalities and townships in eight (8) counties in Northeastern Ohio. NOPEC is a political subdivision of the State of Ohio. NOPEC is a governmental aggregator certified by this Commission for both electricity and natural gas services. NOPEC has aggregated the natural gas supplies for approximately 170,000 customers located in The East Ohio Gas Company dba Dominion East Ohio ("DEO") service area. NOPEC is the largest public energy aggregator in the state and the nation.

NOPEC meets the standards in statute and rule for intervention in these cases. O.R.C. 4903.221; OAC 4901-1-11. On December 28, 2007, DEO filed an Application for approval of a general exemption of certain natural gas commodity sales services or ancillary services from O.R.C. Chapters 4905, 4909, and 4935 except sections 4905.10, 4935.01, and 4935.03 and from specified sections of Chapter 4933.

As such, NOPEC is a "person who may be adversely affected" by these proceedings. O.R.C. 4903.221. NOPEC may be adversely affected for reasons that include, but are not limited to, the following. First, NOPEC is the governmental aggregator to approximately

170,000 customers in DEO's service territory. NOPEC is the largest governmental aggregator in DEO's territory.

NOPEC is clearly affected by this proceeding. Additionally, NOPEC meets the four statutory criteria that the Commission must consider for interventions. First, the "nature and extent" of NOPEC's "interest" warrant the granting of intervention. O.R.C. 4903.221(B)(1). NOPEC is a political subdivision of the State of Ohio and the largest governmental energy aggregator in Ohio.

The second statutory standard is the prospective intervenor's "legal position" and "its probable relation to the merits of the case." O.R.C. 4903.221(B)(2). As noted above, NOPEC has legal position as a governmental aggregator whose customers will be affected by DEO's Application.

The third statutory standard is whether the "prospective intervenor will unduly prolong or delay the proceeding." O.R.C. 4903.221(B)(3). NOPEC is filing this Motion in a timely manner within the timeframe established by the Attorney Examiner's Entry of February 6, 2008.

The fourth statutory standard is whether the "prospective intervenor will significantly contribute to the full development and equitable resolution of the factual issues." O.R.C. 4903.221(B)(4).

NOPEC also meets the standards for intervention under the PUCO's rules of practice and procedure. O.A.C. 4901-1-11. NOPEC satisfies the elements of O.A.C. 4901-1-11 for intervention based on the above explanation for meeting the statutory standards. As shown above, NOPEC has a "real and substantial interest in the proceeding..." given its aggregation services to customers in DEO's service territory. O.A.C. 4901-1-11(A)(2). NOPEC's interest is

not adequately represented by existing parties. To date, no other aggregator has been granted intervention. *Id.*

NOPEC has explained the "nature" of its interest. O.A.C. 4901-1-119B)(1). No parties that represent NOPEC's interests are intervenors in the case. O.A.C. 4901-1-11(B)(2).

NOPEC will significantly contribute to the proceedings and not unduly prolong or delay the proceedings, and has satisfied the next criterion in the rules - that NOPEC will contribute to a just and expeditious resolution of the issues. O.A.C. 4901-1-119(B)(4).

Finally, NOPEC's intervention would not unduly delay or unjustly prejudice any party. O.A.C. 4901-1-11(B)(2). NOPEC has explained that it will not unduly delay the proceedings. Further, NOPEC has not proposed anything that would unjustly prejudice a party.

This Motion is timely. O.R.C. 4903.221(A)(2); *also* O.A.C. 4901-1-11(E)(1).

WHEREFORE, NOPEC's Motion to Intervene should be granted.

Respectfully submitted,



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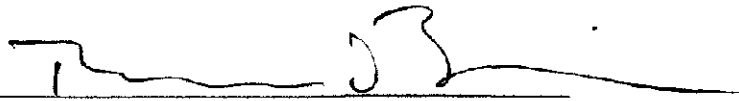
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**CERTIFICATE OF SERVICE**

I hereby certify that this pleading is being served by fax, first class mail or personal delivery, as shown below, this 10<sup>th</sup> day of March 2008.

  
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