

FILE

BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO


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In the Matter of the Application of The)
East Ohio Gas Company d/b/a Dominion) Case No. 08-169-GA-UNC
East Ohio for Approval of Tariffs to)
Recover Certain Costs Associated with.)
a Pipeline Infrastructure Replacement)
Program through an Automatic)
Adjustment Clause and for Certain)
Accounting Treatment.)

OHIO PARTNERS FOR AFFORDABLE ENERGY'S
MOTION TO INTERVENE
AND MEMORANDUM IN SUPPORT

Ohio Partners for Affordable Energy ("OPAE") hereby respectfully moves the Public Utilities Commission of Ohio ("Commission") for leave to intervene in the above-captioned matter pursuant to R.C. §4903.221 and Section 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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a Pipeline Infrastructure Replacement)	
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Accounting Treatment.)	

MEMORANDUM IN SUPPORT OF MOTION TO INTERVENE

Ohio Partners for Affordable Energy ("OPAE") should be permitted to intervene in this matter pursuant to Section 4903.22.1, Revised Code, and the Commission's Rules and Regulation contained in Rule 4901-01-11 of the Ohio Administrative Code. The above-referenced application made by The East Ohio Gas Company d/b/a Dominion East Ohio ("Dominion") requests approval of tariffs to recover through an automatic adjustment clause costs associated with a pipeline infrastructure replacement program.

In determining whether to permit intervention, the following criteria are to be considered: the nature of the person's interest; the extent to which that interest is represented by existing parties; the person's potential contribution to a just and expeditious resolution of the proceeding; and, whether granting the intervention will unduly delay or unjustly prejudice any existing party. OPAE meets all four criteria for intervention in this matter.

OPAE is an Ohio corporation with a stated purpose of advocating for affordable energy policies for low and moderate income Ohioans; as such, OPAE has a real and substantial interest in this matter. Additionally, OPAE includes as members non-profit organizations located in the area served by Dominion.

OPAE provides essential services in the form of bill payment assistance programs and weatherization and energy efficiency services to low income customers of Dominion. OPAE members are also ratepayers of Dominion.

OPAE's primary interest in this case is to assure that the application conforms to Ohio law and Commission precedent. Dominion's request requires an application for an increase in rates or for an alternative regulation plan. The application is neither for an increase in rates nor for an alternative regulation plan. Dominion has followed none of the Commission's procedures and notice requirements for applications for an increase in rates and alternative regulation plans. Given that the application violates Ohio law and Commission precedent, it should be dismissed.

For the above reasons, OPAE has a direct, real and substantial interest in this matter. The disposition of this matter may impair or impede the ability of OPAE to protect its interests. No other party to the matter will adequately represent the interests of OPAE. OPAE is a rare organization that serves as an advocate, service provider and nonprofit customer group. No other party represents this group of interests. OPAE's participation in this matter will not cause undue delay, will not unjustly prejudice any existing party, and will contribute to the just and expeditious resolution of the issues raised by this application.

Therefore, OPAE is entitled to intervene in this matter with the full powers and rights granted by statute and by the provisions of the Commission's Codes of Rules and Regulations to intervening parties.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion to Intervene and Memorandum of Support was served by regular U.S. Mail upon the parties of record identified below in this case on this 14th day of March 2008.


Colleen L. Mooney

**Counsel for Ohio Partners for
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