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BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

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In the Matter of the Application of Columbia
Gas of Ohio, Inc. for Authority to Amend
Filed Tariffs to Increase the Rates and Charges
for Gas Distribution.

Case No. 08-72-GA-AIR

In the Matter of the Application of Columbia
Gas of Ohio, Inc. for Approval of an
Alternative Form of Regulation and for a
Change in its Rates and Charges.

Case No. 08-73-GA-ALT

In the Matter of the Application of Columbia
Gas of Ohio, Inc. for Approval to Change
Accounting Methods.

Case No. 08-74-GA-AAM

In the Matter of the Application of Columbia
Gas of Ohio, Inc. for Authority to Revise its
Depreciation Accrual Rates.

Case No. 08-75-GA-AAM

MOTION TO INTERVENE
OF
DOMINION RETAIL, INC.

By the above-styled applications, Columbia Gas of Ohio, Inc. ("COH") seeks authority to increase its rates and charges for gas distribution service, approval of an alternative form of regulation and certain related accounting modifications, and authority to revise its depreciation accrual rates. Dominion Retail, Inc. ("Dominion Retail") is a Commission-certified CRNGS provider authorized to offer competitive retail natural gas service to customers within the area served by COH. As such, Dominion Retail may be adversely affected by the ultimate disposition of the proposals contained in these applications. Accordingly, Dominion Retail hereby moves to intervene pursuant to Section 4903.221, Revised Code, and Rule 4901-1-11, Ohio Administrative Code ("OAC").

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As more fully discussed in the accompanying memorandum, Dominion Retail has a real and substantial interest in this proceeding, and is so situated that the disposition of this proceeding may, as a practical matter, impair or impede its ability to protect that interest. Further, Dominion Retail's interest in this proceeding is not represented by any existing party, and its participation in this proceeding will contribute to a just and expeditious resolution of the issues involved without unduly delaying the proceedings or unjustly prejudicing any existing party.

WHEREFORE, Dominion Retail respectfully requests that the Commission grant its motion to intervene.

Respectfully submitted,



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BEFORE
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MEMORANDUM IN SUPPORT
OF
MOTION TO INTERVENE
OF
DOMINION RETAIL, INC.

Section 4903.221, Revised Code, provides that any "person who may be adversely affected by a public utilities commission proceeding may intervene in such proceeding."

Although Dominion Retail recognizes that COH is entitled to rates and charges that will provide it with just compensation and return for the service it renders, Dominion Retail, as a CRNGS provider in COH's service area, may be adversely affected if the rates and charges ultimately authorized by the Commission in this proceeding are determined in a manner that does not properly distinguish between costs associated with COH's monopoly distribution service and COH's commodity service – the service against which Dominion Retail must compete to attract

and retain customers. A misallocation of costs among the various cost-recovery mechanisms COH employs, including those to which Dominion Retail is subject, could well create inappropriate subsidies that would create a barrier to effective retail competition in COH's service area. Thus, there can be no question that Dominion Retail may be adversely affected by this proceeding.

Further, not only does Dominion Retail satisfy the underlying statutory test, but it also satisfies the standards governing intervention set forth in the Commission's rules.

Rule 4901-1-11(A), OAC, provides, in pertinent part, as follows:

(A) 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 ability to protect that interest, unless the person's interest is adequately represented by existing parties.

As a CRNGS supplier, Dominion Retail plainly has a real and substantial interest in a proceeding that will impact a market in which it competes. At this juncture, none of the pending motions to intervene in this proceeding have been granted. Thus, by definition, no existing parties adequately represent Dominion Retail's interest.

Although Dominion Retail does not believe this to be a close question, each of the specific considerations that the Commission may, by rule, take into account in applying the Rule 4901-1-11(A)(2), OAC, standard, also fully support granting Dominion Retail's motion to intervene. Rule 4901-1-11(B), OAC, provides as follows:

In deciding whether to permit intervention under paragraph (A)(2) of this rule, the commission, the legal director, the deputy legal director, or an attorney examiner case shall consider:

(1) The nature and extent of the prospective intervenor's interest;

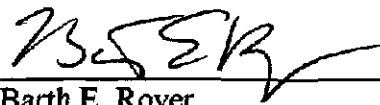
- (2) The legal position advanced by the prospective intervenor and its probable relation to the merits of the case.
- (3) Whether the intervention by the prospective intervenor will unduly prolong or delay the proceedings.
- (4) Whether the prospective intervenor will significantly contribute to full development and equitable resolution of the factual issues.
- (5) The extent to which the person's interest is represented by existing parties;

First, as previously explained, Dominion Retail's interest in connection with the proposals contained in the COH applications is obviously direct and substantial. Second, although Dominion Retail must necessarily await further developments before determining the specific positions it will adopt with respect to the issues in this proceeding, Dominion Retail will certainly advocate that the rates and charges ultimately adopted as a result of these applications be determined in a manner that reflects a fair allocation of costs and does not hinder the effective retail competition in COH's service area. Third, in view of the fact that the proceeding has just commenced, granting Dominion Retail's motion to intervene will not unduly delay or prolong the proceeding. Fourth, Dominion Retail has been a frequent participant in cases involving the establishment of competitive electric and gas markets in Ohio and the numerous other states in which it does business. Thus, Dominion Retail will bring substantial experience to bear on the issues raised. Finally, not only are there no existing parties that represent Dominion Retail's interest, but it would be inconsistent with the Commission's stated policy "to encourage the broadest possible participation in its proceedings" (*see, e.g., Cleveland Elec. Illum. Co.*, Case No. 85-675-EL-AIR, Entry dated January 14, 1986, at 2) to apply the Rule 4901-1-11(B)(5) standard in a manner that would favor certain CRNGS providers over others. *See also Ohio Consumers' Counsel v. Pub. Util. Comm.* 111 Ohio St.3d, 384 (2006)

(interventions ought to be liberally allowed). Thus, granting Dominion Retail intervenor status is consistent with all the considerations set out in Rule 4901-1-11(B), OAC.

WHEREFORE, Dominion Retail respectfully requests that the Commission grant its motion to intervene.

Respectfully submitted,



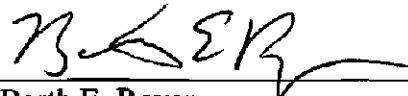
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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing has been served upon the following parties by first class mail, postage prepaid, this 25th day of April 2008.



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