

FILE

BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

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In the Matter of the Application of Columbia)
Gas of Ohio, Inc., for Approval of a General)
Exemption of Certain Natural Gas Commodity)
Sales Services or Ancillary Services from)
Chapters 4905, 4909, and 4935 except Sections)
4905.10, 4935.01, and 4935.03, and from)
specified sections of Chapter 4933 of the)
Revised Code.)

Case No. 08-1344-GA-EXM

OHIO SCHOOLS COUNCIL
MOTION FOR LEAVE TO INTERVENE

The Ohio Schools Council (hereinafter "Schools") respectfully moves the Public Utilities Commission of Ohio to grant the Schools' Motion to Intervene in this proceeding pursuant to Ohio Revised Code § 4903.221 and Ohio Administrative Code Rule 4901-1-11. The Schools further explain the basis for their intervention in the attached Memorandum in Support.

Respectfully submitted,

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**MEMORANDUM IN SUPPORT OF
OHIO SCHOOLS COUNCIL'S
MOTION FOR LEAVE TO INTERVENE**

The Ohio Schools Council ("Schools") is a regional council of governments established under Chapter 167 of the Ohio Revised Code, and is a political subdivision of the State of Ohio. The Schools operate natural gas and electricity programs comprised of members and other participating public school districts for the purpose of purchasing natural gas and electricity, issuing bonds to prepay for energy purchases by participating school districts, and obtaining natural gas and electricity savings for participating school districts. Through the Schools' efforts, the Schools have realized significant energy cost savings, thus conserving increasingly scarce public funds available for education in the State of Ohio. The Schools have operated natural gas purchase programs for public school districts in the Columbia Gas of Ohio, Inc. ("COH" or "Company") service territory since 1986. Over 143 public school districts in northern Ohio participate in the School's natural gas program. The Schools seek intervention in this case to ensure their interests are protected, and that the opportunity remains available for public school districts in COH's service territory to save money by participating in natural gas purchasing programs.

The standards for intervention in proceedings before the Commission are set forth in O.R.C. § 4903.221 and O.A.C. Rule 4901-1-11. Ohio Revised Code Section 4903.221(A) provides for intervention to persons “who may be adversely affected...” by a Commission proceeding and timely files a motion to intervene. The Schools are significant consumers of natural gas and COH gas transportation services, who may be adversely affected by the Commission’s determinations in this case. The Schools have been active participants in the COH stakeholder process that preceded this application to the Commission, and the contents of the application reflect that a number of issues with significant financial impact on the Schools, including General Transportation service eligibility, remain unresolved.¹

Ohio Revised Code Section 4903.221(B) establishes criteria for the Commission to consider in ruling on motions to intervene:

- (1) the nature and extent of the movant’s interest;
- (2) the movant’s legal position and its probable relation to the merits;
- (3) whether the movant will unduly prolong or delay the case; and
- (4) whether the movant will significantly contribute to resolution of the factual issues.

Ohio Administrative Code Rule 4901-1-11(A) also provides for intervention upon a timely showing that the movant has a real and substantial interest in the proceeding. The Rule’s criteria for the Commission to consider in ruling on motions to intervene are set forth under O.A.C. Rule 4901-1-11(B) as follows:

- (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.

¹ See Application at 2-3.

(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.

As noted above, the Schools have a direct and substantial interest in the issues set forth in the Company's application as the application proposes to substantially modify Choice program eligibility for customers, including the Schools, that currently take General Transportation Service from COH. Clearly, the Schools may be directly affected by this proceeding, and would be adversely affected by approval of the application as proposed. The Schools have a real and substantial interest in this proceeding which will not be adequately protected by other parties.

The Schools' intervention also will not unduly prolong or delay this proceeding, as they are experienced in participating in proceedings before the Commission, have actively participated in prior COH PUCO proceedings, and have long been participants in COH's stakeholder process, and are familiar with the issues set forth in the application. Further, the Schools will provide the Commission with a better understanding of the financial implications of the proposed changes to Choice eligibility and other provisions of the application on the Schools as a customer class. There is no other party that would be unjustly prejudiced by the Schools' intervention, nor does an existing party represent the Schools' interest in this case.

For these reasons, the Schools' motion should be granted as soon as possible and the Schools made a full party of record.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion to Intervene of Ohio Schools Council was served upon the following parties of record this 16th day of April 2009, *via first class mail*, postage prepaid.



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