

FILE

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

46
RECEIVED-DOCKETING DIV
2009 JUL 31 PM 5:08
PUCO

In the Matter of the Application of The East)
Ohio Gas Company d/b/a Dominion East Ohio) Case No. 09-518-GA-AEC
For Approval of Revised Pooling Service)
Agreements and Revised Terms and Conditions)
Of Pooling Services.)

**MOTION TO INTERVENE OF
THE OHIO GAS MARKETERS GROUP**

Now comes the Ohio Gas Marketers Group ("OGMG") 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. The OGMG is an ad hoc coalition of seven PUCO certified gas marketers: Commerce Energy of Ohio, Inc.; Constellation NewEnergy – Gas Division, LLC; Direct Energy Services, LLC; Hess Corporation; Integrys Energy Services, Inc. Interstate Gas Supply, Inc.; SouthStar Energy Services LLC; and Vectren Retail LLC d/b/a Vectren Source. The OGMG and its members have 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, the OGMG and its members individually each seek to intervene and become a full party of record.

This is to certify that the images appearing are an accurate and complete reproduction of a case file document delivered in the regular course of business.
Technician CS Date Processed 8/3/09

Respectfully Submitted,

VORYS, SATER, SEYMOUR AND PEASE LLP



M. Howard Petricoff, Esq. (0008287)

Stephen M. Howard, Esq. (0022421)

52 East Gay Street

P. O. Box 1008

Columbus, Ohio 43216-1008

Tel. (614) 464-5414

Fax (614) 719-4904

mhpetricoff@vorys.com

Attorneys for the Ohio Gas Marketers Group

Consisting of:

Commerce Energy of Ohio, Inc.; Constellation
NewEnergy – Gas Division, LLC; Direct Energy
Services, LLC; Hess Corporation; Integrys Energy
Services, Inc.; Interstate Gas Supply, Inc.; SouthStar
Energy Services LLC; and Vectren Retail LLC dba
Vectren Source

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of The East)	
Ohio Gas Company d/b/a Dominion East Ohio)	Case No. 09-518-GA-AEC
For Approval of Revised Pooling Service)	
Agreements and Revised Terms and Conditions)	
Of Pooling Services.)	

MEMORANDUM IN SUPPORT

The Ohio Gas Marketers Group ("OGMG") is an association of competitive retail natural gas suppliers who are active in Ohio. The OGMG and or its members have actively participated in the East Ohio Gas Company d/b/a Dominion East Ohio ("DEO") stakeholder process for more than a decade and have intervened in many of the major DEO proceedings during that period.

On June 22, 2009, DEO filed an Application seeking approval of the following agreements and general terms and conditions attached to the Application: (i) Full Requirements Pooling Service ("FRPS") Agreement and General Terms and Conditions of Full Requirements Pooling Service; (ii) Daily Pooling Service ("DPS") Agreement General Terms and Conditions of Daily Pooling Service; (iii) General Pooling Service ("GPS") Agreement and General Terms and Conditions of General Pooling Service; (iv) Local Production Pooling Service ("LPPS") Agreement and General Terms and Conditions of Local Production Pooling Service; (v) Full Requirements Pooling Service Agreement – West Ohio Pool; (vi) Daily Pooling Service Agreement – West Ohio Pool; and (vii) General Pooling.

The Commission has previously asserted jurisdiction over gas pooling service. DEO's current GPS and DPS Agreements and General Terms and Conditions were approved by the Commission on October 5, 1995 in Case No. 94-2010-GA-CSS. DEO's current FRPS Agreement and General Terms and Conditions were approved on February 19, 2004 in Case No. 03-2100-GA-AEC. DEO also seeks Commission approval of the LPPS Agreement and General Terms and Conditions and a separate FRPS, DPS and GPS Agreements for the West Ohio Pool.

The proposed FRPS, DPS and GPS Agreements and General Terms and Conditions according to DEO reflect changes made primarily to conform to recent changes in DEO's tariffs for various transportation services as authorized in the Commission's Order in DEO's most recent base rate increase case, Case No. 07-829-GA-AIR, et al. DEO proposes certain additional changes to clarify and clean up existing language.

DEO's proposed LPPS Agreement and General Terms and Conditions provide for DEO to receive Production Volumes and Pool-to-Pool Volumes (as defined in the General Terms and Conditions) requested by a supplier to be delivered to the supplier's pools for allocation by DEO to the supplier's other pools or to LPPS accounts of other suppliers within Ohio. According to DEO, Section 5 of the LPPS Agreement provides that DEO shall not operate its LPPS in a manner to provide any advantage or disadvantage to any other supplier (including any of DEO's affiliates) either in preference to or in derogation of the rights of any other supplier.

The proposed FRPS, DPS and GPS Agreements for the West Ohio Pool establish separate pooling services for the portion of DEO's service territory previously served under separate tariffs for the West Ohio division. Although the former East Ohio and

West Ohio divisions were consolidated into a single service area and are now served under the same tariff, separate pooling services are required for the former West Ohio Division because this area remains physically separated from the rest of DEO's system.

The standards for intervention in proceedings before this Commission are set forth in Section 4903.221, Revised Code, and Rule 4901-1-11 of the Ohio Administrative Code. Section 4903.221, Revised Code, provides that the Commission, in ruling upon applications to intervene in its proceedings shall consider the following criteria:

- (1) The nature and legal 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; and
- (4) Whether the prospective intervenor will significantly contribute to the full development and equitable resolution of the factual issues.

Rule 4901-1-11 of the Ohio Administrative Code provides that upon timely motion, any person may be permitted to intervene in a proceeding upon a showing that the person has a real and substantial interest in the proceeding and that in making such an evaluation, the Commission may consider:

- (1) The nature of the person's interest;
- (2) The extent to which the person's interest is represented by existing parties;
- (3) The person's potential contribution to a just and expeditious resolution of the issues involved in the proceeding; and

- (4) Whether granting the requested intervention would unduly delay the proceeding or unjustly prejudice any existing party.

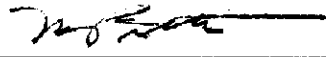
Each of the members of OGMG is a licensed competitive retail natural gas supplier who is active in Ohio. Commerce Energy, Inc., Direct Energy Services, LLC, Hess Corporation, Integrys Energy Services, Inc., Interstate Gas Supply, Inc., and Vectren Retail LLC each have retail customers in the DEO service area. Each of the members of the OGMG and their respective retail customers will be affected by the outcome of this proceeding, as the application addresses fundamental aspects of Pooling Service. The OGMG and its members avail themselves of DEO's Pooling Service and will be directly affected by these proposals and thus have a real and substantial interest in this case. Such interest would not be adequately protected by other intervenors. Further, the OGMG by working collaboratively together to jointly present mutually held positions will help streamline the hearing process by avoiding redundant testimony and assist the Commission assess the impact of the Pooling Service changes on the market.

In sum, the participation of the OGMG members as individual intervenors consolidating to the extent possible their collective positions will contribute to a just and expeditious resolution of the issues presented by the Application in the matter at bar. Further it will enhance rather than delay the proceeding and will not unjustly prejudice any existing party.

WHEREFORE, the OGMG and its members individually each seek leave to intervene and become a full party of record.

Respectfully submitted,

VORYS, SATER, SEYMOUR AND PEASE LLP

By: 

M. Howard Petricoff (0008287)
Stephen M. Howard (0022421)
52 East Gay Street
P. O. Box 1008
Columbus, Ohio 43216-1008
Tel. (614) 464-5414
Fax (614) 719-4904
mhpetricoff@vorys.com

Attorneys for Ohio Gas Marketers Group
Consisting of: Commerce Energy of Ohio, Inc.;
Direct Energy Services, LLC; Hess Corporation;
Integrus Energy Services, Inc.; Interstate Gas
Supply, Inc.; SouthStar Energy Services LLC;
and Vectren Retail LLC dba Vectren Source

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Motion to Intervene was served via email where applicable and/or via first class U.S. mail, postage prepaid, this 31 day of July, 2009, upon the following persons.



M. Howard Petricoff

Mark W. Whitt
Carpenter, Lipps & Leland LLP
280 Plaza, Suite 1300
280 N. High Street
Columbus, OH 43215
whitt@carpenterlipps.com