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**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

2011 APR 25 PM 2:47

In the Matter of the Application of The East)
Ohio Gas Company d/b/a Dominion East Ohio)
for Approval to Modify and Further Accelerate)
its Pipeline Infrastructure Replacement)
Program and to Recover the Associated Costs.)

Case No. 11-2401-GA-ALT

PUCO

**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 4901-1-11 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 to intervene are contained in the memorandum attached hereto and incorporated herein.

Respectfully submitted,

Colleen L. Mooney

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THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of The East)
Ohio Gas Company d/b/a Dominion East Ohio)
for Approval to Modify and Further Accelerate) Case No. 11-2401-GA-ALT
its Pipeline Infrastructure Replacement)
Program and to Recover the Associated Costs.)

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 docket concerns the application of The East Ohio Gas Company d/b/a Dominion East Ohio's ("Dominion") for approval to modify and further accelerate its pipeline infrastructure replacement program and to recover the associated costs.

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 service area that will be affected by the matter.¹ Moreover, many of OPAE's members are community action agencies.

¹ A list of OPAE members can be found on the website: www.ohiopartners.org.

Under the federal legislation authorizing the creation and funding of these agencies, originally known as the Economic Opportunity Act of 1964, community action is charged with advocating for low-income residents of their communities.²

OPAE also 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. Therefore, OPAE has an interest in this proceeding that will consider Dominion's application to modify and further accelerate its pipeline infrastructure replacement program.

The Commission's October 15, 2008 Opinion and Order in Case Nos. 07-829-GA-AIR, 08-169-GA-ALT, et al., approved a stipulation and recommendation which

² See 42 U.S.C. 672:

The purposes of this subtitle are--

(1) to provide assistance to States and local communities, working through a network of community action agencies and other neighborhood-based organizations, for the reduction of poverty, the revitalization of low-income communities, and the empowerment of low-income families and individuals in rural and urban areas to become fully self-sufficient (particularly families who are attempting to transition off a State program carried out under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.)); and

(2) to accomplish the goals described in paragraph (1) through--

(A) the strengthening of community capabilities for planning and coordinating the use of a broad range of Federal, State, local, and other assistance (including private resources) related to the elimination of poverty, so that this assistance can be used in a manner responsive to local needs and conditions;

(B) the organization of a range of services related to the needs of low-income families and individuals, so that these services may have a measurable and potentially major impact on the causes of poverty in the community and may help the families and individuals to achieve self-sufficiency;

(C) the greater use of innovative and effective community-based approaches to attacking the causes and effects of poverty and of community breakdown;

(D) the maximum participation of residents of the low-income communities and members of the groups served by programs assisted through the block grants made under this subtitle to empower such residents and members to respond to the unique problems and needs within their communities; and

(E) the broadening of the resource base of programs directed to the elimination of poverty so as to secure a more active role in the provision of services for--

(i) private, religious, charitable, and neighborhood-based organizations; and

(ii) individual citizens, and business, labor, and professional groups, who are able to influence the quantity and quality of opportunities and services for the poor.

provided for the creation of the pipeline infrastructure replacement program and the cost recovery mechanism for the initial five-year period. OPAE was an intervenor in Case Nos. 07-829-GA-AIR and 08-169-GA-ALT and a signatory party to the August 22, 2008 stipulation and recommendation. OPAE's primary interest in this case is to protect the interests of low and moderate income customers whose rates will be affected by this application to modify and accelerate the program.

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 case. Further, OPAE has been recognized by the Commission in the past as an advocate for consumers and particularly low-income consumers, all of whom will be affected by the outcome of this case.

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,

Colleen L. Mooney

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion to Intervene and Memorandum in Support was served by regular U.S. Mail upon the persons identified below in this case on this 22nd day of April 2011.

Colleen L. Mooney

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SERVICE LIST

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