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BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application by the)
Ohio Gas Company for Approval of the) Case No. 11-2828-GA-AEC
Special Arrangement for the Provision of)
Natural Gas Service to Certain Mainline)
Customers in Unincorporated Areas in)
Henry County, Ohio.)

MOTION TO INTERVENE OF
SUBURBAN NATURAL GAS COMPANY

Under O.R.C. § 4903.221 and O.A.C. 4901-1-11, Suburban Natural Gas Company ("Suburban") moves to intervene in this proceeding, in which Ohio Gas Company ("Ohio Gas") has filed an application ("Ohio Gas Application") seeking approval of a special contractual arrangement entitled Application and Agreement for Natural Gas Services ("Agreement"). As Suburban currently serves the customers that may avail themselves of the Agreement, and such service is the subject of a pending abandonment proceeding under O.R.C. §§ 4905.20 and .21, Suburban has a real and substantial interest in the proposed Agreement and the timing of its implementation. Further, Suburban's interests are not adequately represented by existing parties. As more fully explained in the attached memorandum in support, Suburban respectfully requests that the Commission grant this timely request to intervene.

PUCO

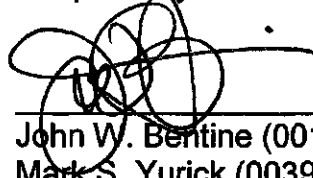
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Respectfully Submitted,

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MEMORANDUM IN SUPPORT

I. INTRODUCTION

On August 1, 2008, Suburban filed an application under O.R.C. §§ 4905.20 and .21 for authority to abandon service to certain enumerated villages theretofore served under respective leases with such villages. See PUCO Case No. 08-947-GA-ABN. The villages and customers that are the subject of the Ohio Gas Application are subject to Suburban's abandonment proceeding. Until Suburban's abandonment proceeding is concluded, the villages and customers subject to the Ohio Gas Application will continue to be served by Suburban. Accordingly, the Commission should condition approval, if at all, of the Ohio Gas Application on the approval, without exception, of Suburban's pending application for abandonment.

II. ARGUMENT

A. Standard of Review

Intervention in Commission proceedings is governed by O.R.C. § 4903.221 and O.A.C. 4901-1-11, and those authorities are "liberally construed in favor of intervention." *Ohio Consumers' Counsel v. Pub. Util. Comm.* (2006), 111 Ohio St. 3d 384, 387.

Under Rule 4901-1-11, intervention "shall be permitted" upon a showing that:

- "[t]he 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 or her ability to protect that interest, unless the person's interest is adequately represented by existing parties."

See Rule 4901-1-11(A)(2). In assessing intervention, the Commission also considers:

- "[t]he nature and extent of the prospective intervenor's interest";
- "[t]he legal position advanced by the prospective intervenor and its probable relation to the merits of the case";
- "[w]hether the intervention by the prospective intervenor will unduly prolong or delay the proceedings";
- "[w]hether the prospective intervenor will significantly contribute to full development and equitable resolution of the factual issues"; and
- "[t]he extent to which the person's interest is represented by existing parties."

See Rule 4901-1-11(B).

Here, Suburban obviously meets this standard and should be allowed to intervene and participate in this proceeding.

B. Suburban Has A Real And Substantial Interest In This Proceeding That Will Be Impaired Without Its Participation In This Case

Suburban has a real and substantial interest in this proceeding. For approximately fifty years, Suburban has served the villages and customers that are the subject of the Ohio Gas Application. Until Fall 2009, Suburban served Hamler and Holgate under now expired leases. It now serves these villages under its tariff, to which the villages assented by way of ordinances. See PUCO Case No. 08-947-GA-ABN. Suburban's lease with Malinta expires in the Fall of 2012.

In August 2008, Suburban sought authority to abandon such service since it had not been successful in negotiating extensions or renewal lease agreements with the villages. *See id.* Until Suburban is given authority to abandon service, service to the villages and customers covered by the Ohio Gas Application must continue to be by Suburban. Indeed, the lease with Malinta, the ordinances adopted by Hamler and Holgate, and governing law require Suburban to continue providing service until the abandonment case is concluded. Suburban thus has a real and substantial interest in the Agreement and the timing of its implementation. And since such service obligations fall on Suburban, and Suburban alone, none of the existing parties in this proceeding will adequately represent Suburban's interest.

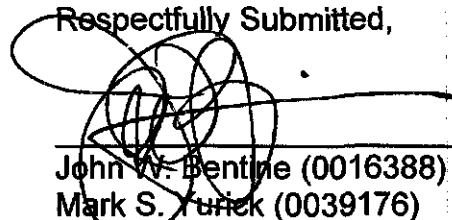
C. Suburban's Participation Will Not Unduly Prolong Or Delay This Proceeding

Suburban's participation in this proceeding will not unduly prolong or delay it. As Ohio Gas itself acknowledges, it "is in the process of acquiring" the system from which it could make service available under the Agreement. *See Ohio Gas Application at ¶13.* Until it does and Suburban's abandonment case is concluded, it cannot make service available. Finally, this intervention is timely filed and will not unduly delay this proceeding.

III. CONCLUSION

For the foregoing reasons, Suburban's Motion to Intervene should be granted.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "John W. Bentine", is written over a horizontal line. The signature is stylized with loops and a long horizontal stroke extending to the right.

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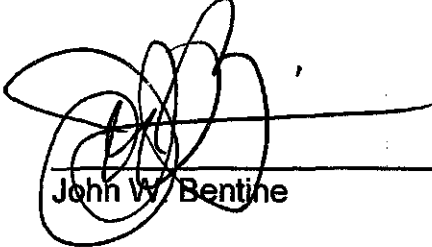
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing *Motion To Intervene of Suburban Natural Gas Company* were served, by first class U.S. mail, postage prepaid and electronic mail, this 11~~th~~ day of MAY 2011 upon the following:

Gretchen J. Hummel
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John W. Bentine