

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

<b>In the Matter of the Application to Modify,</b>	)	
<b>in Accordance with Section 4929.08, Revised</b>	)	<b>Case No. 11-6076-GA-EXM</b>
<b>Code, the Exemption Granted to The East</b>	)	
<b>Ohio Gas Company d/b/a Dominion East</b>	)	
<b>Ohio in Case No. 07-1224-GA-EXM.</b>	)	

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

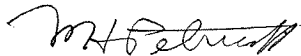
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**MOTION**

Pursuant to Section 4903.221, Revised Code and Rule 4901-1-11 of the Ohio Administrative Code ("OAC"), the Ohio Gas Marketers Group ("OGMG") and its members respectfully moves for intervention in the above-styled docket as a full party of record. The OGMG is an ad hoc coalition of Commission certified gas marketers.<sup>1</sup> 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 OGMR and its members individually each seek to intervene and become a full party of record.

Respectfully submitted,



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<sup>1</sup> Commerce Energy of Ohio, Inc. d/b/a Just Energy; Constellation NewEnergy – Gas Division, LLC; Direct Energy Services, LLC; Hess Corporation; Interstate Gas Service, Inc.; Integrys Energy Services, Inc.; SouthStar Energy, LLC d/b/a Ohio Natural Gas; and Vectren Retail, LLC d/b/a Vectren Source

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**MEMORANDUM IN SUPPORT**

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On June 18, 2008 in Case No. 07-1224-GA-EXM, the Commission approved its Stipulation which continued an exemption and authorized The East Ohio Gas Company d/b/a Dominion East Ohio (“DEO”) to proceed with the second phase of its plan to exit the merchant function. Specifically, DEO was authorized to conduct two auctions to supply commodity service to its customers: a standard service offer (SSO) auction to provide commodity service to customers that are not eligible to participate in energy choice programs or who are percentage of income payment plan customers; and a standard choice offer (SCO) auction to supply its remaining sales customers who are eligible to shop for natural gas service but have chosen not to do so. Section 4928.08, Revised Code allows the Commission, upon the motion of any person adversely affected by an exemption and after notice and a hearing to modify any Order granting such exemption.

On December 28, 2011, DEO filed a motion to modify the Order issued in Case No. 07-1224 pursuant to Section 4929.08, Revised Code. In its motion, DEO explained that the separate auctions were envisioned to allow its customers an opportunity to gain a benefit from suppliers willing to pay a premium to serve retail choice-eligible customers. However, DEO explained that, its two most recent SCO auctions, this benefit has not been realized and other local distribution companies have successfully implemented single auctions to obtain their entire commodity load. DEO asserted that a single auction would ease the administrative burden of holding two separate

auctions and lead to lower auction service costs. A single auction also eliminates the possibility of different SSO and SCO auction outcomes, which could result in customer confusion. Therefore, DEO requested that its motion be approved in time for implementation before its next auction on February 28, 2012.

The OGMG was an intervenor and a signatory to the April 10, 2008 Stipulation and Recommendation which was approved by the Commission in its June 18, 2008 Opinion and Order.

The criteria for intervention in a Commission proceeding is established in Section 4903.221, Revised Code which provides that the Commission, in ruling upon applications to intervene in its proceedings, shall consider the following criteria:

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

The above statutory criteria is further detailed in the Commission's rule on intervention contained in Rule 4901-1-11(B) of the Ohio Administrative Code provides that the Commission, the Legal Director, or the Attorney Examiner may consider:

- (1) The nature of the person's interest;
- (2) The extent to which the person's interest is represented by the existing parties;
- (3) The person's potential contribution to adjust an 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.

Applying the above criteria, each of the members of the Ohio Gas Marketers Group should be entitled to intervention as a full party of record. Each of the members of the OGMG has been certificated by the Commission as a competitive retail natural gas supplier ("CRNG"). Thus, each of the members in its own right have an interest in the matter at bar for proposed replacement

will affect Choice marketing in the Dominion East Ohio (“DEO”) service area. Further, the OGMG members as major natural gas suppliers have interests in participating in process for approval of modifications to DEO’s SCO Service. Thus, each of the members individually have a direct, pecuniary interest which while similar is not identical and thus each member should be awarded intervention so as to protect their interest should the application be amended or changed in a manner that the group could no longer form a consensus opinion. For the sake of establishing a clear record and administrative economy, as long as a consensus opinion can be achieved, the OGMG shall present the Commission with a single presentation and suggested order. Given the expertise and high level of participation in the current gas market, the intervention of the members of the OGMG will contribute to a just and expeditious resolution of the issues involved in this proceeding and will not unduly delay the proceeding or unjustly prejudice any existing party.

## **CONCLUSION**

WHEREFORE, for the reasons set forth above, the OGMG and its members individually seek to intervene and become a party of record in this case.

Respectfully submitted,



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**CERTIFICATE OF SERVICE**

I certify that a copy of the foregoing document was served via email upon the following persons this 23<sup>rd</sup> day of January, 2012.

  
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Summary: Motion Motion to Intervene of The Ohio Gas Marketers Group electronically filed by  
M HOWARD PETRICOFF on behalf of The Ohio Gas Marketers Group