

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application to Modify,)
in Accordance with Section 4929.08,)
Revised Code, the Exemption Granted) Case No. 12-2637-GA-EXM
Columbia Gas of Ohio, Inc., in Case No. 08-)
1344-GA-EXM.)

ENTRY

The attorney examiner finds:

- (1) On October 4, 2012, Columbia Gas of Ohio, Inc. (Columbia), Ohio Gas Marketers Group, Retail Energy Supply Association, Dominion Retail, Inc., and Staff (referred to herein as joint movants) initiated the instant case and filed a joint motion to modify the December 2, 2009, and September 7, 2011, orders in *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*, Case No. 08-1344-GA-EXM, along with a Stipulation and Recommendation (Stipulation).
- (2) By entry issued on October 18, 2012, the attorney examiner, *inter alia*, established a procedural schedule for this case and required that motions to intervene be filed by November 5, 2012. In addition, the attorney examiner directed that, in the event any additional motions are made in this proceeding, any memorandum contra should be filed within four calendar days and reply memorandum would not be accepted.
- (3) On October 22, 2012, Stand Energy Corporation (Stand) filed a motion to intervene in this matter, in accordance with Section 4903.221, Revised Code, and Rule 4901-1-11, Ohio Administrative Code (O.A.C.), stating that its interests, as well as the interests of its residential and small commercial customers, will be affected if the Commission approves the Stipulation filed by the joint movants. Stand explains that it is seeking leave to intervene to protect its customers with gas transportation issues and to prevent any further changes to Columbia's transportation service. According to Stand, because of differing commercial goals and direction, no other actual or potential participant in this proceeding can adequately represent Stand's interests. Stand states that it will

contribute to the full and equitable resolution of the issues in this case and that its intervention will not unduly delay this proceeding or unjustly prejudice any party.

- (4) On October 26, 2012, Columbia filed a memorandum contra Stand's motion to intervene, arguing that Stand has not shown that it has any actual or legal interest in this proceeding, in that Stand has not articulated why it is seeking intervention and what real and substantial interest it has in this case that no other party can represent. Furthermore, Columbia contends that Stand is requesting intervention to protect the interests of Columbia's residential and small commercial customers, as well as the transportation customers of Stand and Columbia. According to Columbia, Stand is neither authorized nor qualified to represent the customers of Stand and Columbia. Should those persons who receive service from Stand and Columbia wish to assert their interests in this case, Columbia submits that they can file their own motions to intervene. Therefore, Columbia requests that Stand's motion to intervene be denied.
- (5) On November 2, 2012, Stand filed a reply to Columbia's memorandum contra Stand's motion to intervene. On November 6, 2012, Columbia filed a motion to strike Stand's reply pointing out that, in accordance with the October 18, 2012, procedural entry, reply memoranda were prohibited. Therefore, because Stand did not request or receive leave to file the reply, Columbia argues that its motion to strike should be granted. No one filed a memorandum contra Columbia's motion to strike. The attorney examiner finds that Columbia's motion to strike is well made and should be granted; therefore, Stand's November 2, 2012, reply to Columbia's memorandum contra Stand's motion to intervene should be disregarded.
- (6) In accordance with Rule 4901-1-12, O.A.C., upon consideration of the motion to intervene filed by Stand and the memorandum contra filed by Columbia, the attorney examiner finds that, contrary to Columbia's assertions, Stand does present arguments in its motion to intervene supporting its interests in this matter. Accordingly, the attorney examiner concludes that Stand's motion to intervene should be granted, to the extent Stand is representing its own interests.

- (7) On October 25, 2012, November 1, 2, and 5, 2012, motions to intervene in this matter were filed by Northeast Ohio Public Energy Council (NOPEC), Ohio Schools Council (OSC), Volunteer Energy Services, Inc. (Volunteer), Direct Energy Services, LLC and Direct Energy Business, LLC (Direct Energy), Interstate Gas Supply, Inc. (IGS), and Honda of America Mfg. Inc. (Honda). In their motions, the movants, individually, generally assert that they have real and substantial interests in this proceeding and that the Commission's disposition of this proceeding may impair or impede their ability to protect their interests. The movants state that their participation will not unduly delay this proceeding and that they will contribute to the just and expeditious resolution of the issues. Furthermore, the movants believe that no other party represents their interests. No one filed memoranda contra the motions to intervene filed by NOPEC, OSC, Volunteer, Direct Energy, IGS, and Honda.
- (8) In accordance with Rule 4901-1-12, O.A.C., upon consideration of the motions to intervene filed by NOPEC, OSC, Volunteer, Direct Energy, IGS, and Honda, the attorney examiner finds that the motions are reasonable and should be granted.
- (9) October 25, 2012, a motion for permission for David C. Rinebolt to appear *pro hac vice* and a certificate of *pro hac vice* registration with the Supreme Court of Ohio were filed in this case. No one filed a memorandum contra this motion. The attorney examiner finds that the motion for permission to appear *pro hac vice* should be granted.

It is, therefore,

ORDERED, That Columbia's motion to strike Stand's November 2, 2012, reply to Columbia's memorandum contra Stand's motion to intervene be granted. It is, further,

ORDERED, That, in accordance with findings (6) and (8), the motions to intervene filed by Stand, NOPEC, OSC, Volunteer, Direct Energy, IGS, and Honda be granted. It is, further,

ORDERED, That the motion for permission for David C. Rinebolt to appear *pro hac vice* be granted. It is, further,

ORDERED, That copies of the entry be served upon all parties of record in this case.

THE PUBLIC UTILITIES COMMISSION OF OHIO

s/ Christine M.T. Pirik

By: Christine M.T. Pirik
Attorney Examiner

jrj/vrm

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in

Case No(s). 12-2637-GA-EXM

Summary: Attorney Examiner Entry ruling on motions to intervene, motion to strike, and motion for admission pro hac vice, electronically filed by Vesta R Miller on behalf of Christine M.T. Pirik, Attorney Examiner, Public Utilities Commission of Ohio