

FILE

BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of)
Columbia Gas of Ohio, Inc. for Approval)
Of Tariffs to Recover Through an)
Automatic Adjustment Clause Costs)
Associated with the Establishment of an)
Infrastructure Replacement Program)
And for Approval of Certain Accounting)
Treatment)

Case No. 07-478-GA-UNC

9
RECEIVED-DOCKETING DIV
2007 APR 30 PM 4:40
PUCO

MOTION OF
OHIO PARTNERS FOR AFFORDABLE ENERGY
TO INTERVENE, MEMORANDUM IN SUPPORT
AND MOTION TO PRACTICE PRO HAC VICE BEFORE THE
COMMISSION

David C. Rinebolt
Colleen L. Mooney
Ohio Partners for Affordable
Energy
231 West Lima Street
P.O. Box 1793
Findlay, OH 45839-1793
Telephone: (419) 425-8860
FAX: (419) 425-8862
e-mail: drinebolt@aol.com
cmooney2@columbus.rr.com

April 30, 2007

Counsel for Ohio Partners
for Affordable Energy

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 2 Date Processed 43007

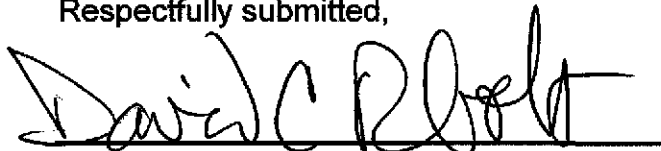
**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of)	
Columbia Gas of Ohio, Inc. for Approval)	
Of Tariffs to Recover Through an)	Case No. 07-478-GA-UNC
Automatic Adjustment Clause Costs)	
Associated with the Establishment of an)	
Infrastructure Replacement Program)	
And for Approval of Certain Accounting)	
Treatment)	

**MOTION TO INTERVENE OF
OHIO PARTNERS FOR AFFORDABLE ENERGY**

Ohio Partners for Affordable Energy (OPAE) hereby respectfully moves for leave to intervene in the above-captioned matters pursuant to § 4903.221, Ohio Revised Code (O.R.C.) and §4901-1-1-11 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 are contained in the memorandum attached hereto and incorporated herein.

Respectfully submitted,



David C. Rinebolt (0073178)
Colleen L. Mooney (0015668)
Ohio Partners for Affordable Energy
231 West Lima Street
P.O. Box 1793
Findlay, OH 45839-1793
Telephone: (419) 425-8860
FAX: (419) 425-8862
e-mail: drinebolt@aol.com
cmooney2@columbus.rr.com

**On Behalf of Ohio Partners for
Affordable Energy**

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of)	
Columbia Gas of Ohio, Inc. for Approval)	
Of Tariffs to Recover Through an)	Case No. 07-478-GA-UNC
Automatic Adjustment Clause Costs)	
Associated with the Establishment of an)	
Infrastructure Replacement Program)	
And for Approval of Certain Accounting)	
Treatment)	

**MEMORANDUM IN SUPPORT OF THE MOTION TO INTERVENE
OF OHIO PARTNERS FOR AFFORDABLE ENERGY**

Ohio Partners for Affordable Energy (OPAE) should be permitted to intervene in this matter pursuant to §4903.221, O.R.C., and the Commission's Rules and Regulation, specifically § 4901-01-11(B), Ohio Administrative Code (O.A.C.). As required by those provisions OPAE is a real parties in interest herein, whose interest is not now represented, who can make a contribution to the proceeding and will not unduly delay the proceeding nor prejudice any existing party.

OPAE is a nonprofit organization representing the interests of over sixty nonprofits providing energy assistance to low income families throughout the State of Ohio. Its corporate purpose is to promote affordable energy policies and preserve access to essential energy services for all Ohioans. OPAE members operate bill assistance, weatherization, energy efficiency, and consumer education programs throughout Ohio. In addition, OPAE member agencies also receive utility service from Columbia Gas of Ohio, Inc. (COH).¹ Moreover, many of OPAE's members are community action agencies. Under the

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

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 has a real and substantial interest in this proceeding by virtue of the direct impact of the tariffs which include automatic adjustment clauses on their members located in the service territory of COH. 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. For the above reasons, OPAE has a direct, real and substantial interest in this proceeding.

OPAE observes that COH indicates it will only assume the obligations imposed by the Commission's rules if the cost of compliance is recovered

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.

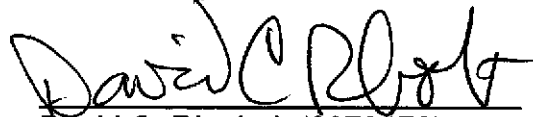
through the proposed IRP Rider, citing the Accelerated Main Replacement Program (AMRP) approved in Case No. 01-1228-GA-AIR.³ OPAE notes that the AMRP was authorized in conjunction with a base rate case and was a component of a stipulation agreed to by all but one of the parties to the proceedings. Recovery of such a substantial investment as contemplated by COH in this Application should not be considered in isolation. It may well be that parties can agree upon an alternative recovery approach, but given that COH's base rates have not been reviewed for well over a decade it would be well nigh impossible to determine if there are opportunities to reduce base rates to offset the impact this substantial investment will have on customers. It is also necessary to have a more comprehensive application to determine the efficacy of the recovery approach proposed by the Company and whether such an approach is equitable to all parties, not just COH. At this point, OPAE willingly acknowledges there will be some cost associated with complying with the order; our concern is not with the ultimate recovery of reasonably incurred costs, but with the method of recovery in light of the overall rates paid by COH customers. All parties need to be made whole, not just COH.

OPAE's participation in these proceedings will not cause undue delay, will not unjustly prejudice any existing party, and will contribute to the just and expeditious resolution of the issues and concerns raised in these proceedings. Furthermore, other parties to the proceedings will not adequately represent the interests of OPAE because of the unique perspective it brings to utility matters. Therefore, OPAE is entitled to intervene in these proceedings with the full powers

³ *Appolication* at 5.

and rights granted, by the Commission specifically, by statute, and by the provisions of the Commission's Codes of Rules and Regulations, to intervening parties.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "David C. Rinebolt", written over a horizontal line.

David C. Rinebolt (0073178)
Colleen L. Mooney (0015668)
Ohio Partners for Affordable Energy
231 West Lima Street
P.O. Box 1793
Findlay, OH 45839-1793
Telephone: (419) 425-8860
FAX: (419) 425-8862
e-mail: drinebolt@aol.com
cmooney2@columbus.rr.com

**On Behalf of Ohio Partners for
Affordable Energy**

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of)	
Columbia Gas of Ohio, Inc. for Approval)	
Of Tariffs to Recover Through an)	Case No. 07-478-GA-UNC
Automatic Adjustment Clause Costs)	
Associated with the Establishment of an)	
Infrastructure Replacement Program)	
And for Approval of Certain Accounting)	
Treatment)	

**MOTION TO ADMIT DAVID C. RINEBOLT TO PRACTICE
PRO HAC VICE BEFORE THE COMMISSION**

Pursuant to Rule 4901-1-08(B) of the Ohio Administrative Code, Colleen L. Mooney (0015668), an attorney licensed to practice in the State of Ohio, respectfully petitions the Public Utilities Commission of Ohio ("Commission") to permit David C. Rinebolt to practice *pro hac vice* before the Commission in the above-referenced proceedings. Mr. Rinebolt represents Ohio Partners for Affordable Energy, an Ohio corporation engaged in advocating for affordable energy policies.

Mr. Rinebolt graduated for the Columbus School of Law of the Catholic University of American in May 1981. As an active member of the District of Columbia Bar, Bar No. 367210, Mr. Rinebolt is licensed to practice before the federal courts of the District of Columbia. Furthermore, Mr. Rinebolt has practiced law continuously since being admitted to the District of Columbia Bar in October 1982. Mr. Rinebolt is also registered with the Ohio Bar under provisions granting corporate status, Ohio Bar No. 0073178.

WHEREFORE, Colleen L. Mooney respectfully requests that David C. Rinebolt be permitted to practice before the Commission in the aforementioned proceedings.

Respectfully submitted,

Colleen L. Mooney DCR

Colleen L. Mooney (0015668)
Ohio Partners for Affordable Energy
231 West Lima Street
P.O. Box 1793
Findlay, OH 45839-1793
Telephone: (419) 425-8860
FAX: (419) 425-8862
E-mail: cmooney2@columbus.rr.com

CERTIFICATE OF SERVICE

I hereby certify that a copy of this Motion to Intervene, Memorandum in Support, and Motion to Practice *Pro Hac Vice* were served by regular U.S. Mail, postage prepaid, upon the parties of record identified below on this 30th day of April, 2007.

David C. Rinebolt, Esq.
**Counsel for Ohio Partners for
Affordable Energy**

Stephen B. Seiple
Columbia Gas
200 Civic Center Drive
PO Box 17
Columbus, OH 43216-0017

Duane Luckey
Attorney General's Office
Public Utilities Commission of Ohio
180 East Broad Street, 8th Floor
Columbus, OH 43215

Joseph P. Serio
Office of the Ohio Consumers' Counsel
10 West Broad St., Suite 1800
Columbus, OH 43215