

FILE



SEC

STAND ENERGY  
CORPORATION

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July 17, 2007

**VIA UPS OVERNIGHT DELIVERY**

Public Utilities Commission of Ohio  
Docketing Division  
180 East Broad Street  
Columbus, OH 43215-3793

Re: Case No. 07-0589-GA-AIR  
07-589-GA-ALT 07-590  
07-589-GA-AAM 07-591

Ladies and Gentlemen:

Enclosed for filing are an original and ten copies of Stand Energy Corporation's Motion to Intervene and Supporting Memorandum in the above-captioned cases.

Sincerely,

John M. Dosker  
General Counsel

Enclosures

This is to certify that the images appearing are an  
accurate and complete reproduction of a case file  
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Technician And Date Processed 7/18/07

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

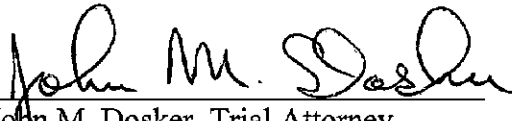
In the Matter of the Application of Duke Energy Ohio, Inc. for an increase in Gas Rates.	)	Case No. 07-589-GA-AIR
	)	
In the Matter of the Application of Duke Energy Ohio, Inc. for Approval of an Alternative Rate Plan for its Gas Distribution Service.	)	Case No. 07- <sup>590</sup> <del>589</del> -GA-ALT
	)	
In the Matter of the Application of Duke Energy Ohio, Inc. for Approval to Change Accounting Methods.	)	Case No. 07- <sup>591</sup> <del>589</del> -GA-AAM
	)	

**MOTION OF STAND ENERGY CORPORATION TO INTERVENE**

Stand Energy Corporation, by and through the undersigned counsel, pursuant to R.C. 4903.221 and Ohio Adm. Code 490-1-11, moves the Commission for Leave to Intervene in the above-styled and numbered matter relating to the Application filed by Duke Energy Ohio, Inc., to approve an increase of its gas distribution rates. A Memorandum in Support of this motion is attached.

Respectfully submitted,

**STAND ENERGY CORPORATION**

  
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**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Duke Energy Ohio, Inc. for an increase in Gas Rates.	)	Case No. 07-589-GA-AIR
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	)	
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	)	

**MEMORANDUM IN SUPPORT OF  
STAND ENERGY CORPORATION'S MOTION TO INTERVENE**

On June 15, 2007 Duke Energy Ohio, Inc. filed with the Commission pursuant to R.C. 4909.43(B) a Pre-Filing Notice (hereinafter "Notice") of its intent to file an application for authority to increase its distribution rates and intent to file an application for approval of an alternative rate plan for its gas distribution service.

Stand Energy Corporation ("SEC"), is a Kentucky Corporation, with its primary office located at 1077 Celestial Street, Suite #110, Cincinnati, OH 45202-1629. SEC is engaged in the marketing of natural gas to numerous end use customers throughout Ohio, including industrial and commercial customers on the Duke Energy Ohio, Inc. system.

The grounds for this motion are that the application is for an increase in base distribution rates. The changes requested by Duke will be detrimental to current Duke transportation customers and the competitive market for natural gas in the Duke service territory.

SEC has a real and substantial interest in these proceedings. Because of differing commercial goals and direction, SEC avers that no other potential participant can adequately represent its interests in this case. Pursuant to RC §4903.221 and OAC §4901-1-11, SEC respectfully requests that the Commission grant it full Intervenor status.

For purposes of considering requests for leave to intervene, OAC 4901-1-11(A) provides that:

Upon timely motion, any person shall be permitted to intervene in a proceeding upon a showing that: ... (2) The 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.

Further, RC 4903.221 (B) 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; (4) Whether the prospective intervenor will significantly contribute to full development and equitable resolution of the factual issues.

OAC 4901-1-11 (B) also provides for the following factors to be considered:

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

As noted above, Stand Energy is a natural gas marketer on Duke's system, and serves substantial end-user loads on Duke's transportation programs. The increased risks, uncertainties, and costs of participating in Duke's transportation programs will have the effect of discouraging participation in these programs by end-users and suppliers,

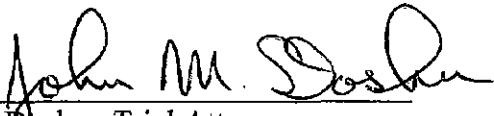
thereby significantly harming the competitive market. There are also issues surrounding the aggregation agreement for program participation tendered by Duke to Stand Energy Corporation (and probably others) and what the actual, approved text of that agreement will be going forward. Stand Energy has substantial interests in this proceeding.

The disposition of these issues without Stand Energy's participation will impair and impede Stand Energy's ability to protect its interests. No other party participating in these proceedings can adequately protect Stand Energy's interests, and accordingly, Stand Energy respectfully asserts that it would be inappropriate to resolve these issues without Stand Energy's participation. Stand Energy's interests and operational experience are substantially and directly related to these issues and the merits of this proceeding. Stand Energy's intervention will contribute to the full and equitable resolution of these matters, and will assist in the expeditious resolution of these issues. Lastly, Stand Energy's intervention will not unduly delay or unjustly prejudice any existing party.

**WHEREFORE**, Stand Energy Corporation respectfully submits that the Commission should grant its request to intervene.

Respectfully submitted,

**STAND ENERGY CORPORATION**

BY:   
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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Motion to Intervene and Memorandum in Support of Stand Energy Corporation was served upon the following parties of record via ordinary U.S. Mail postage prepaid on July 17, 2007.

  
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