

FAX



The
Legal Aid Society
of Cleveland
Since 1905

Chief of Docketing
The Public Utilities Commission of Ohio
180 East Broad Street
Columbus, Ohio 43215-3793

August 7, 2007

PUCO

2007 AUG 10 PM 12:06

RECEIVED-DOCKETING DIV

SUBJECT: *In the Matter of the Application of The East Ohio Gas Company d/b/a Dominion East Ohio for Authority to Increase Rates for its Gas Distribution Service Case No. 07-829-GA-AIR*
In the Matter of the Application of The East Ohio Gas Company d/b/a Dominion Case East Ohio for Approval of an Alternative Rate Plan for its Gas Distribution Service No. 07-830-GA-ALT
In the Matter of the Application of The East Ohio Gas Company d/b/a Dominion East Case Ohio for Approval to Change Accounting Methods Case No. 07-831-GA-AAM

Dear friends:

We are enclosing a Motion to Intervene for our clients, the Citizens Coalition. . .

We have already faxed this. Please file it today. We are mailing by overnight express the original and requisite copies. Other parties are being served. We have also enclosed an envelope addressed back to us. Please time-stamp one of the enclosed copies and return this to us.

Let us know of any problems.

Thank you.

Very truly yours,

JOSEPH P. MESSNER, 0022366
ATTORNEY AT LAW

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**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of The)	
East Ohio Gas Company d/b/a Dominion)	
East Ohio for Authority to Increase Rates)	Case No. 07-829-GA-AIR
for its Gas Distribution Service.)	
)	
)	

In the Matter of the Application of The)	
East Ohio Gas Company d/b/a Dominion)	Case No. 07-830-GA-ALT
East Ohio for Approval of an Alternative)	
Rate Plan for its Gas Distribution Service)	
)	

In the Matter of the Application of The East)	
Ohio Gas Company d/b/a Dominion East)	Case No. 07-831-GA-AAM
Ohio for Approval to Change Accounting)	
Methods)	
)	

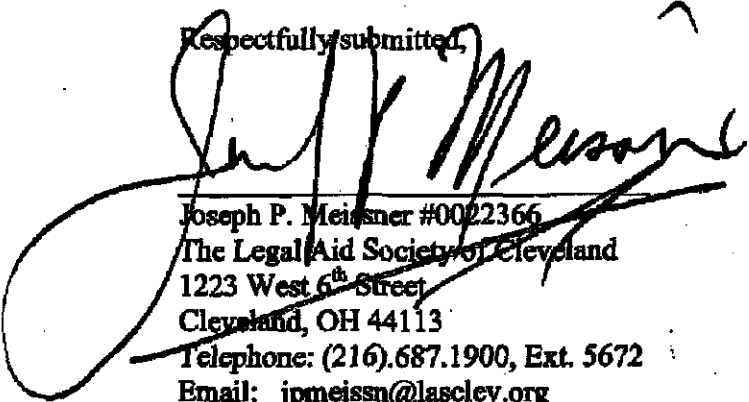
**MOTION TO INTERVENE ON BEHALF OF THE
NEIGHBORHOOD ENVIRONMENTAL COALITION
THE EMPOWERMENT CENTER OF GRAETER CLEVELAND,
CLEVELAND HOUSING NETWORK
AND
THE CONSUMERS FOR FAIR UTILITY RATES
AND MEMORANDUM IN SUPPORT**

Now comes The Neighborhood Environmental Coalition (hereinafter "Coalition"), The Consumers for Fair Utility Rates (hereinafter "Consumers"), The Cleveland Housing Network (hereinafter "Network"), and The Empowerment Center of Greater Cleveland (hereinafter "Center") who, through their counsel, hereby Move to Intervene in the above-captioned matters pursuant to Ohio Law, The Rules and Regulations pertaining to the Public Utilities Commission of Ohio, and the relevant case law. All four of the interveners are hereinafter referred to as "The Citizens Coalition."

The Citizens Coalition specifically seeks the full powers and rights granted by the Commission specifically, by statute and by the provisions of the Ohio Administrative Code to intervening parties.

The reasons for granting this Motion are contained in the Memorandum in Support attached hereto and hereby incorporated herein.

Respectfully submitted,



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Counsel for:
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Consumers for Fair Utility Rates
Cleveland Housing Network
and
The Empowerment Center of
Greater Cleveland

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

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In the Matter of the Application of The East)	
Ohio Gas Company d/b/a Dominion East)	Case No. 07-831-GA-AAM
Ohio for Approval to Change Accounting)	
Methods)	
)	

MEMORANDUM IN SUPPORT OF MOTION TO INTERVENE

Coalition, Consumers, Network and Center should be permitted to intervene in these matters pursuant to CivR. 24 and Rule 4901-1-11 OHIO ADMINISTRATIVE CODE. All three groups specifically meet the criteria for intervention pursuant to OAC 4901-1-11(A)(2) and (B).

In support of its Motion to Intervene, the Citizens Coalition notes that they are citizens groups whose members and supporters are seriously affected by any PUCO decisions. Given the gravity of the current natural gas situation and the adverse consequences any rate increases could have on poor as well as moderate income families, it is incumbent upon the PUCO to grant all four parties intervention in this matter.

The Neighborhood Environmental Coalition's distinguished history of serving low-income families warrants its involvement in this case. Coalition has been in existence for over twenty-five years, working especially in neighborhoods surrounding the industrial valley of Cuyahoga County. It is dedicated "to protecting the created environment." It is committed to helping low income families meet their energy and heating needs in ways that will not harm the environment. The Coalition especially wants the PUCO to carry out its mandate to provide for programs that will help people conserve and will help protect our environment, including nonrenewable natural resources such as natural gas.

The Empowerment Center—formerly the Greater Cleveland Rights Organization—has participated in numerous PUCO proceedings over the past several decades on behalf of low-income customers. The Center is especially concerned with how any rate increases will have serious repercussions on the poor. Already the poor face many increases in the costs of necessities. Living on very limited budgets, low-income families cannot bear any further increases in their gas rates. In fact, these customers need a substantial rate decrease.

The Empowerment Center has participated in past rate cases for various utilities. The Center has contributed to the outcomes of these cases and achieved successes in helping low-income families. It is crucial that the Center be allowed to participate in this current DEO case which seeks a substantial increase in the rates of all customers, including the poor.

Citizens for Fair Utility Rates (CFFUR) has also been involved in PUCO proceedings for the last several years. Members of CFFUR have also been involved in PUCO proceedings dating back to the interventions by Low Income People Together (LIPT) in PUCO proceedings. CFFUR has contributed to the successful outcomes in PUCO matters and will insure that the perspectives and views of low-income customers are adequately presented in the current litigation.

Cleveland Housing Network has also participated in past PUCO proceedings. Through their efforts, funds have been obtained to help low-income families with weatherization and other energy efficiency measures. The Network also can provide much helpful testimony to the PUCO

based upon their decades of experiences in weatherizing housing, advising the poor about conservation, and working with utility companies to implement weatherization and other energy efficiency programs.

All four of these groups as part of the Citizens Coalition should be allowed to intervene in this proceeding. The Coalition is interested in a number of issues that seemingly are part of this case.

First, the Coalition is concerned with DEO's request for a waiver of compliance with the standard filing requirements during the proposed test year. The Coalition is concerned that DEO's reports to the commission will not accurately reflect the results of the test period as it relates to its Ohio customers

The Coalition does not believe it is unreasonable for DEO to file with the commission those portions of its federal income tax returns relating to its operations in Ohio nor is this an unreasonable burden upon the company. DEO is currently seeking a waiver in this area from the PUCO. In order for DEO to prepare a consolidated federal income tax return it has to have separate information from all of its operating units which is then consolidated and filed a consolidated return for the corporation.

With today's computer software programs, DEO's complaint that it is not able to track rate case expenses falls on deaf ears. The ability to capture information is readily available to a corporation as large as DEO.

The rules of the Ohio Administrative Code were established to provide the commission with best information needed to make decisions which are in the best interest of the citizens of Ohio. Before the commission agrees to permit deviations from those regulations it should weigh carefully the intent of the legislature in establishing the regulations and what the effect of deviations will have on the citizens of Ohio.

In reaching any decision regarding rates and a justification for those rates the commission should have the most accurate information available to it and it should be presented in the clearest

possible manner to the reviewers. The impact of the results upon all customers and especially the low income customers of DEO is very important

Secondly, DEO seems to be requesting a "decoupling mechanism" in this proceeding. The Coalition opposes such mechanisms because these are illegal, these violate the Test Year process for setting rates in Ohio, and these will lead to higher and unjustified rates for customers. Such a mechanism complicates the Commission's efforts to set fair and reasonable rates, increases the costs for all parties involved in this proceeding, and are usually imposed without any set-offs—thus increasing rates even further. The Coalition will oppose such decoupling mechanisms in this case.

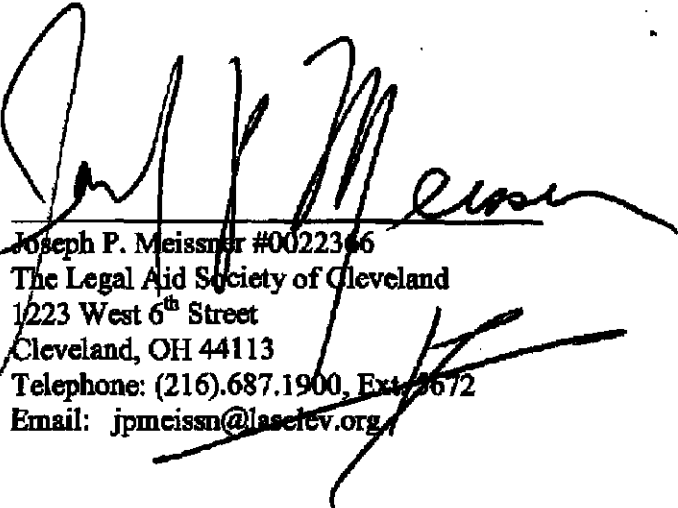
Thirdly, DEO has indicated that various weatherization programs and funding activities are a part of this rate case. The Citizens Coalition is concerned about these and will encourage the Company to provide adequate funding for these. The Coalition will advocate on behalf of this goal in this proceeding.

Fourthly, the foremost reason that has motivated Coalition, Center, Consumers and Network to seek intervention in this matter is their commitment to helping low-income families. Coalition, Consumers, Center, and Network are the only parties in this matter that are exclusively devoted to representing the low income segment of the population. The Citizens Coalition is concerned with the fairness, reasonableness, legality, and justice of DEO's proposals.

Coalition, Consumers, Network, and Center (The Citizens Coalition) will follow all the administrative rulings in this proceeding and their intervention will not unreasonably delay these proceedings. Nor will their intervention unduly burden any other parties in this proceeding, or the Commission itself.

Wherefore, Coalition, Consumers, Network, and Center (The Citizens Coalition) respectfully request that based on this Motion to Intervene, Coalition, Consumers, Network, and Center should be recognized as parties in this case.

Respectfully submitted,

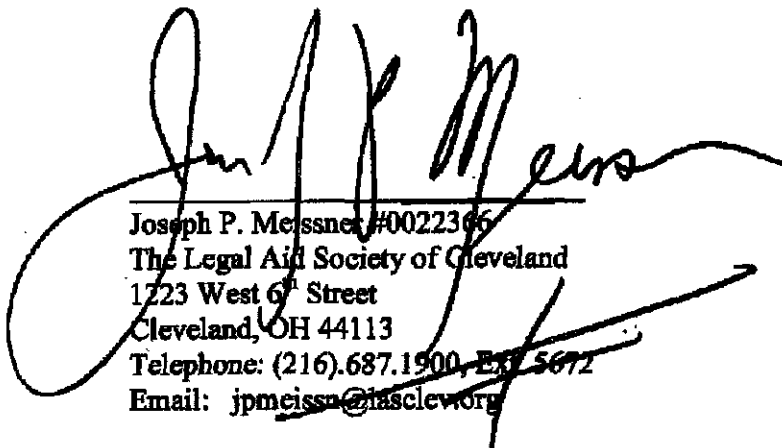
A large, stylized handwritten signature in black ink, appearing to read 'Joe P. Meissner', is written over the typed name and contact information.

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The Empowerment Center of
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NOTICE OF SERVICE

I hereby certify that a copy of the foregoing Motion and Memorandum were served upon the address of the parties in this PUCO proceeding listed below, by ordinary first class mail, postage prepaid, on this 8th day of August 2007.



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