

**FILE**

**BEFORE THE  
PUBLIC UTILITIES COMMISSION OF OHIO**

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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. 07-590-GA-ALT
In the Matter of the Application of Duke Energy Ohio, Inc. for Approval to Change Accounting Methods	) ) )	Case No. 07-591-GA-AAM

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**INTERSTATE GAS SUPPLY, INC.'S  
MOTION FOR INTERVENTION AND MEMORANDUM IN SUPPORT**

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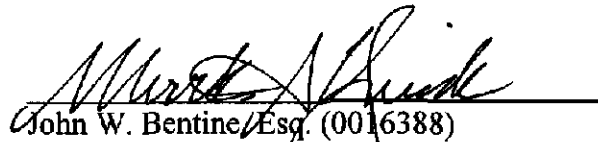
**MOTION FOR INTERVENTION**

Pursuant to Section 4903.221 of the Ohio Revised Code and Rule 4901-1-11 of the Ohio Administrative Code, Interstate Gas Supply, Inc. ("IGS") moves to intervene in the above-captioned proceeding.

IGS has a real and substantial interest in the proceedings, which is not adequately represented by any other party to the proceedings. IGS requests intervention in these proceeding not only to protect its interests, as the same may be impacted by this proceeding, but also to preserve the right to intervene and be made a full party in any subsequent proceedings on these matters.

For the reasons stated above, as well as those more fully developed in the attached Memorandum in Support incorporated herein by reference as if fully set forth, IGS respectfully moves to intervene in these proceedings.

Respectfully submitted,



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**INTERSTATE GAS SUPPLY, INC.'S  
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**MEMORANDUM IN SUPPORT**

**I. Introduction**

On or about July 18, 2007, Duke Energy Ohio, Inc ("Duke") filed applications requesting: (i) authority to increase rates for its Gas Distribution Service (Docket 07-0589-GA-AIR); (ii) approval of an Alternative Rate Plan for its Gas Distribution Services (Docket 07-0590-GA-ALT); and (iii) an application requesting approval to Change Accounting Methods (07-0591-GA-AAM). Interstate Gas Supply, Inc. ("IGS") is a certified natural gas marketer in Ohio and provides commodity service to many residential, commercial and industrial customers in the Duke service territory. Collectively, IGS' customers use a significant amount of natural gas each year, and represent a range in consumption from single residential users to larger commercial and industrial customers. As a supplier to these customers, IGS' business depends

upon the satisfaction of its customers so that IGS is directly impacted by any activities in the Duke service territory that may potentially affect such customers.

IGS supports the development of effective retail competitive natural gas markets. Through almost two decades of experience in the competitive natural gas market, first in the Commercial and Industrial markets, then, as Choice programs opened, at the residential and small commercial markets, IGS has learned that it is imperative to the development of effective retail competitive markets for costs be properly aligned and captured through appropriate mechanisms, so that barriers to entry do not exist to hinder development of effective retail competition. IGS should be permitted to intervene to examine all filings in these proceedings to assess how the requested changes will impact the competitive market, if at all, given that any impact to such market will also be directly relevant to IGS.

IGS has direct and substantial interests in the cases, and no other party to the proceedings can adequately represent these interests. Since this is the first rate case filed by Duke since its merger was approved, in order for IGS to ensure that any changes would not negatively impact further development of effective competition, it must be permitted to intervene in the above captioned proceedings.

**II. IGS meets the standards of ORC §4903.221 and OAC §4901-1-11, and, therefore its Motion to Intervene should be granted.**

Ohio Revised Code § 4903.221 establishes the criteria for the Commission to consider when ruling on a Motion to Intervene. Those criteria are as follows:

- (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 case;

- (3) Whether intervention by the prospective intervenor will unduly prolong or delay the proceedings; and
- (4) Whether the prospective intervenor will significantly contribute to the full development and equitable resolution of the factual issues.

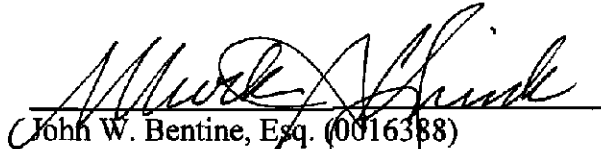
Pursuant to the Ohio Administrative Code, the Commission is instructed to permit any person to intervene in a proceeding upon a showing that “the person has a real and substantial interest in the proceeding, and the person is so situated that the disposition of the proceeding may, as a practical matter, impair or impede his or her ability to protect that interest, unless the person’s interest is adequately represented by existing parties.” O.A.C. §§4901:1-19-09; 4901-1-11(A)(2).

IGS has a real and substantial interest in this proceeding and is so situated that it will be impaired or impeded from protecting its interests if not permitted to intervene. No other party to the proceedings adequately represents IGS in the above referenced case. The disposition of the proceedings may, as a practical matter impair IGS’ ability to protect its substantial interest in this proceeding, and its interests are not adequately represented by other parties. Intervention by IGS will not prolong or delay these proceedings and IGS will contribute to the development and equitable resolution of all issues to be raised herein. Duke may be entitled to recover its costs and the Commission approved rate of return, but IGS needs to be part of the process to ensure that disposition of the proceedings leads to no negative impact on development of effective retail competition in the Duke service territories, which would adversely impact IGS and all of its customers.

### III. Conclusion

For the foregoing reasons, IGS has a real and substantial interest in this case and should be granted intervention. Wherefore, IGS respectfully moves for intervention in the above referenced dockets.

Respectfully submitted,



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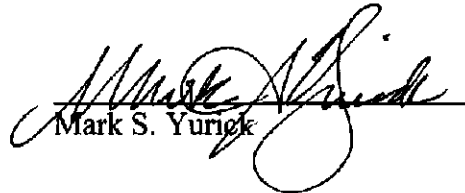
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**General Counsel, Interstate Gas Supply, Inc.**

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing pleading was served upon the following parties of record or as a courtesy, via U.S. Mail postage prepaid, express mail, hand delivery, or electronic transmission, on August 3, 2007.

  
Mark S. Yurick

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