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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 to Increase its 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
East Ohio for Approval of an Alternative
Rate Plan for its Gas Distribution Service.

Case No. 07-830-GA-ALT

In the Matter of the Application of the
East Ohio Gas Company d/b/a Dominion
East Ohio for Approval to Change
Accounting Methods.

Case No. 07-831-GA-AAM

MOTION TO INTERVENE
OF
DOMINION RETAIL, INC.

By the above-styled applications, the East Ohio Gas Company d/b/a Dominion East Ohio ("DEO") seeks authority to increase its rates for gas distribution service, approval of an alternative rate plan for gas distribution service, and approval of certain related accounting modifications. Dominion Retail, Inc. ("Dominion Retail") is a Commission-certified CRNGS provider authorized to offer competitive retail natural gas service to customers within the area served by DEO. As such, Dominion Retail may be adversely affected by the ultimate disposition of the various proposals contained in these applications. Accordingly, Dominion Retail hereby moves to intervene pursuant to Section 4903.221, Revised Code, and Rule 4901-1-11, Ohio Administrative Code ("OAC").

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As more fully discussed in the accompanying memorandum, Dominion Retail has a real and substantial interest in this proceeding, and is so situated that the disposition of this proceeding may, as a practical matter, impair or impede its ability to protect that interest. Further, Dominion Retail's interest in this proceeding is not represented by any existing party, and its participation in this proceeding will contribute to a just and expeditious resolution of the issues involved without unduly delaying the proceedings or unjustly prejudicing any existing party.

WHEREFORE, Dominion Retail respectfully requests that the Commission grant its motion to intervene.

Respectfully submitted,



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**BEFORE
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In the Matter of the Application of the	:	
East Ohio Gas Company d/b/a Dominion	:	Case No. 07-829-GA-AIR
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Rate Plan for its Gas Distribution Service.	:	

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East Ohio for Approval to Change	:	
Accounting Methods.	:	

**MEMORANDUM IN SUPPORT
OF
MOTION TO INTERVENE
OF
DOMINION RETAIL, INC.**

Section 4903.221, Revised Code, provides that any "person who may be adversely affected by a public utilities commission proceeding may intervene in such proceeding."

Although Dominion Retail recognizes that DEO is entitled to rates that will provide it with just compensation and return for the service it renders to its distribution customers, Dominion Retail, as a CRNGS provider in DEO's service area, may be adversely affected if the rates and charges ultimately authorized by the Commission in this proceeding are determined in a manner that does not properly distinguish between costs associated with DEO's monopoly distribution service and DEO's commodity service – the service against which Dominion Retail must compete to attract and retain customers. A misallocation of costs among the various cost-recovery mechanisms

DEO employs could well create inappropriate subsidies that would create a barrier to the development of effective retail competition in DEO's service area. Thus, there can be no question that Dominion Retail may be adversely affected by this proceeding.

Further, not only does Dominion Retail satisfy the underlying statutory test, but it also satisfies the standards governing intervention set forth in the Commission's rules.

Rule 4901-1-11(A), OAC, provides, in pertinent part, as follows:

(A) 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 ability to protect that interest, unless the person's interest is adequately represented by existing parties.

As a CRNGS supplier, Dominion Retail plainly has a real and substantial interest in a proceeding that will impact a market in which it must compete. At this juncture, none of the pending motions to intervene in this proceeding have been granted. Thus, by definition, no existing parties adequately represent Dominion Retail's interest.

Although Dominion Retail does not believe this to be a close question, each of the specific considerations that the Commission may, by rule, take into account in applying the Rule 4901-1-11(A)(2), OAC, standard, also fully support granting Dominion Retail's motion to intervene. Rule 4901-1-11(B), OAC, provides as follows:

In deciding whether to permit intervention under paragraph (A)(2) of this rule, the commission, the legal director, the deputy legal director, or an attorney examiner case shall consider:

- (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.

(5) The extent to which the person's interest is represented by existing parties;

First, as previously explained, Dominion Retail's interest in connection with the proposals contained in the DEO applications is obviously direct and substantial. Second, although Dominion Retail must necessarily await further developments before determining the specific positions it will adopt with respect to the issues in this proceeding, Dominion Retail will certainly advocate that the rates and charges ultimately adopted as a result of these applications be determined in a manner that does not hinder the development of effective retail competition in DEO's service area. Third, in view of the fact that the proceeding has just commenced, granting Dominion Retail's motion to intervene will not unduly delay or prolong the proceeding. Fourth, Dominion Retail has been a frequent participant in cases involving the establishment of competitive electric and gas markets in Ohio and the numerous other states in which it does business. Thus, Dominion Retail will bring substantial experience to bear on the issues raised. Finally, not only are there no existing parties that represent Dominion Retail's interest, but it would be inconsistent with the Commission's stated policy "to encourage the broadest possible participation in its proceedings" (*see, e.g., Cleveland Elec. Illum. Co.*, Case No. 85-675-EL-AIR, Entry dated January 14, 1986, at 2) to apply the Rule 4901-1-11(B)(5) standard in a manner that would favor certain CRES providers or potential bidders over others. Thus, granting Dominion Retail intervenor status is consistent with all the considerations set out in Rule 4901-1-11(B), OAC.

WHEREFORE, Dominion Retail respectfully requests that the Commission grant its motion to intervene.

Respectfully submitted,

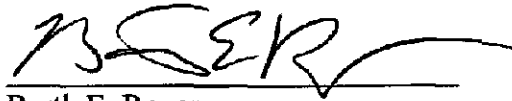
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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing has been served upon the following parties by first class mail, postage prepaid, this 17th day of September 2007.



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