



**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

<b>In the Matter of the Application of</b>	)	
<b>Vectren Energy Delivery of Ohio, Inc.</b>	)	
<b>for Approval of a General Exemption of</b>	)	
<b>Certain Natural Gas Commodity Sales</b>	)	
<b>Services or Ancillary Services from</b>	)	<b>Case No. 07-1285-GA-EXM</b>
<b>Chapters 4905, 4909, and 4935 except</b>	)	
<b>Sections 4905.10, 4935.01, and 4935.03,</b>	)	
<b>and from specified sections of Chapter 4933</b>	)	
<b>of the Revised Code.</b>	)	

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**INTEGRYS ENERGY SERVICES, INC.'S  
MOTION TO INTERVENE AND MEMORANDUM IN SUPPORT**

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**I. MOTION TO INTERVENE**

On December 21, 2007, Vectren Energy Delivery of Ohio, Inc. ("Vectren") filed an Application that would change the commodity procurement process currently utilized by Vectren, a concept generically referred to as exiting the merchant function. Indeed, the Application results from a development process engaged in by Vectren's Merchant Function Working Group, and Integrys Energy Services, Inc. ("Integrys") has directly and actively participated in that working group. Accordingly, Integrys respectfully requests the Commission's leave to intervene in this proceeding.

As background, Integrys is a certificated competitive natural gas supplier that serves end-user loads on the Vectren transportation and Choice programs. Integrys, its customers, and the marketplace will be directly affected by the issues and Commission's determinations in the

above-captioned proceeding. Accordingly, Integrys respectfully moves the Commission for leave to intervene in the above-captioned docket. Integrys' basis for intervention, pursuant to Ohio Revised Code ("RC") § 4903.221 and Ohio Administrative Code ("OAC") 4901-1-11, is more fully set forth in the below Memorandum in Support.

## **II. MEMORANDUM IN SUPPORT**

Integrys respectfully submits that it is entitled to intervene in the above-captioned proceedings, both on the substantive merits and timeliness of Integrys' request

For purposes of considering requests for leave to intervene in a Commission proceeding, 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 intervener's interest; (2) The legal position advanced by the prospective intervener and its probable relation to the merits of the case; (3) Whether the intervention by the prospective intervener will unduly prolong or delay the proceedings; (4) Whether the prospective intervener will significantly contribute to full development and equitable resolution of the factual issues.

OAC 4901-1-11(B) also provides the following factors in considering requests to intervene:

(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, Integrys is a certificated competitive natural gas supplier that serves end-user loads on Vectren's transportation and Choice programs, and Integrys' interests will be directly affected by the issues and Commission's determinations in this proceeding. Indeed, as noted above, this Application results from a development process engaged in by Vectren's Merchant Function Working Group, and Integrys has directly and actively participated in that working group. Inasmuch as this proceeding will directly and substantially impact Vectren's retail marketplace, and Integrys' interests in that market, Integrys has real, direct, and substantial interests in this proceeding.

Integrys is so situated that the disposition of issues in this proceeding without Integrys' participation will impair and impede its ability to protect its interests, because others participating in this proceeding do not represent Integrys' interests. Inasmuch as others participating in these proceedings cannot adequately protect Integrys' interests, it would be inappropriate to determine this proceeding without Integrys' participation. Integrys' perspective as a Choice supplier will contribute to the full, equitable, and expeditious resolution of this proceeding. Integrys' intervention will not unduly delay the proceeding, or unjustly prejudice the interests of any existing party. Lastly, Integrys' intervention is timely.

### **III. CONCLUSION**

For the reasons noted above, this proceeding will raise issues that will have a direct and substantial impact on Integrys' interests. Thus, Integrys respectfully requests the Commission to grant Integrys' request to intervene in the above-captioned docket.

Respectfully submitted,

*Bobby Singh by Stephen M. Howard*

Bobby Singh, Esq. (0072743) Trial Counsel

Senior Attorney

INTEGRYS ENERGY SERVICES, INC.

300 West Wilson Bridge Road, Suite 350

Worthington, Ohio 43085

Direct Dial: (614) 844-4340

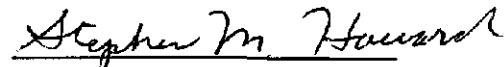
Facsimile: (614) 844-8305

E-Mail: [bsingh@integrysenergy.com](mailto:bsingh@integrysenergy.com)

**Counsel for Integrys Energy Services, 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 January 14, 2008.

  
Stephen M. Howard

Steve Puican  
Public Utilities Commission of Ohio  
180 East Broad Street  
Columbus, Ohio 43215  
[Steve.puican@puc.state.oh.us](mailto:Steve.puican@puc.state.oh.us)

Gretchen J. Hummel  
McNees, Wallace & Nurick LLC  
21 East State Street, 17<sup>th</sup> Floor  
Columbus, OH 43215  
[ghummel@mwncmh.com](mailto:ghummel@mwncmh.com)

Colleen L. Mooney  
Ohio Partners for Affordable Energy  
231 W. Lima Street  
Findlay, OH 45839-1793  
[drinebolt@aol.com](mailto:drinebolt@aol.com)  
[cmooney@columbus.rr.com](mailto:cmooney@columbus.rr.com)