

MEMORANDUM IN SUPPORT

The criteria for interventions in a Commission proceeding is established in Section 4903.221, Revised Code which 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; and
- (4) Whether the prospective intervenor will significantly contribute to full development and equitable resolution of the factual issues.

The above statutory criteria is further detailed in the Commission's rule on intervention contained in Rule 4901-1-11(B) of the Ohio Administrative Code provides that the Commission, the Legal Director, or the Attorney Examiner may consider:

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

Applying the above criteria, each of the members of the Ohio Gas Marketers Group should be entitled to intervention as a full party of record. Each of the members of the Ohio Gas Marketers Group has been certificated by the Commission as a competitive retail natural gas supplier ("CRNS"). Thus, each of the members in its own right have an interest in the matter at bar for proposed replacement will affect Choice marketing in the Vectren Energy Delivery of Ohio ("VEDO") service area. Further, the four members of the Ohio Gas Marketers Group as major natural gas suppliers have interests in participating in the auction process for supplying standard service commodity which makes up a significant portion of the application in

the matter at bar. Thus, each of the members individually have a direct, pecuniary interest which while similar is not identical and thus each member should be awarded intervention so as to protect their interest should the application be amended or changed in a manner that the group could no longer form a consensus opinion. For the sake of establishing a clear record and administrative economy, as long as a consensus opinion can be achieved, the Ohio Gas Marketers shall present the Commission with a single presentation and suggested order. Given the expertise and high level of participation in the current gas market, the intervention of the members of the Ohio Gas Marketers Group will contribute to a just and expeditious resolution of the issues involved in this proceeding and will not unduly delay the proceeding or unjustly prejudice any existing party.

Conclusion

WHEREFORE, the Ohio Gas Marketers Group requests that the Commission grant intervention of Interstate Gas Supply, Inc.; Direct Energy Services LLC; SouthStar Energy Services LLC; and Vectren Retail LLC individually as full parties of record.

Respectfully submitted,



M. Howard Petricoff (0008287) (Trial Counsel)
Stephen M. Howard (0022421)
Vorys, Sater, Seymour and Pease LLP
52 East Gay Street
P. O. Box 1008
Columbus, Ohio 43216-1008
Tel: (614) 464-5414
Fax: (614) 719-4904
E-Mail: mhpetricoff@vorys.com

Attorneys for the members of the Ohio Gas Marketers'
Group

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Motion to Intervene and Memorandum In Support was served upon all parties of record as listed below this 14 day of January, 2008 by U.S. mail, postage prepaid and a courtesy copy via e-mail.



M. Howard Petricoff

SERVICE LIST

Steve Puican
Public Utilities Commission of Ohio
180 East Broad Street
Columbus, Ohio 43215
Steve.puican@puc.state.oh.us

Gretchen J. Hummel
McNees Wallace & Nurick LLC
21 East State Street, 17th Floor
Columbus, OH 43215
ghummel@mwncmh.com

Bobby Singh
300 West Wilson Bridge Road, Suite 350
Worthington, Ohio 43085
bsingh@integrysenergy.com

David C. Rinebolt
Colleen L. Mooney
Ohio Partners For Affordable Energy
231 West Lima Street
Findlay, OH 45839-1793
drinebolt@aol.com
cmooney2@columbus.rr.com