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BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO

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In the Matter of the Application of :  
Vectren Energy Delivery of Ohio, Inc. :  
for Approval of a General Exemption of :  
Certain Natural Gas Commodity Sales :  
Services or Ancillary Services from :  
Chapters 4905, 4909, and 4935 except :  
Sections 4905.10, 4935.01, and 4935.03, :  
and from specified sections of Chapter 4933 :  
of the Revised Code. :

PUCO

Case No. 07-1285-GA-EXM

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MOTION TO INTERVENE  
OF  
DOMINION RETAIL, INC.

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By the above-styled application, Vectren Energy Delivery of Ohio, Inc. ("VEDCO") seeks approval of exemptions from certain provisions of the Ohio Revised Code to permit VEDCO to implement the first two steps of a phased plan that will ultimately result in its exit from the merchant function. As a part of the first phase of its plan, VEDCO seeks authority to conduct a wholesale auction to secure commodity supply for Standard Service Offer ("SSO") sales service. The second phase of the plan, which would follow the transition to the wholesale auction, contemplates a retail auction to create a Standard Choice Offer ("SCO") sale service, with the winning complete retail natural gas service ("CRNGS") suppliers to be awarded the right to serve specific Choice-eligible customers. Although not part of the instant application, the final phase of the plan envisions a "Full Choice" paradigm, where all customers would have a direct relationship with a CRNGS supplier, and would make choices from a full array of service offerings in a fully-competitive retail market environment.

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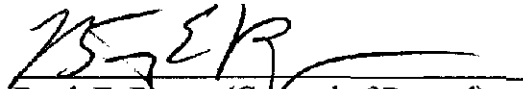
Dominion Retail, Inc. ("Dominion Retail") is a Commission-certified CRNGS provider authorized to offer competitive retail natural gas service to customers within this state. As such, Dominion Retail has a real and substantial interest in this proceeding, and may be adversely affected by the ultimate disposition of the issues involved. Accordingly, Dominion Retail hereby moves to intervene pursuant to Section 4903.221, Revised Code, and Rule 4901-1-11, Ohio Administrative Code ("OAC").

As more fully discussed in the accompanying memorandum, Dominion Retail is so situated that the disposition of this proceeding may, as a practical matter, impair or impede its ability to protect its interests. 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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MEMORANDUM IN SUPPORT  
OF  
MOTION TO INTERVENE  
OF  
DOMINION RETAIL, INC.

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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.” As a duly-authorized CRNGS supplier, Dominion Retail is a potential bidder in both the proposed SCO and SSO auctions. Thus, there can be no question that Dominion Retail may be adversely affected if the processes and procedures ultimately approved by the Commission in this case are not structured to create and sustain a more competitive commodity market in the area served by VEDCO. Moreover, 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, pursuant to Rule 4901-1-11(B), OAC, must 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:

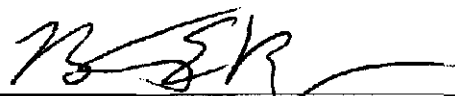
- (1) The nature and extent of the prospective intervenor's interest;
- (2) The legal position advanced by the prospective intervenor and its probable relation to the merits of the case.
- (3) Whether the intervention by the prospective intervenor will unduly prolong or delay the proceedings.
- (4) Whether 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 VEDCO's application 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 processes and procedures ultimately adopted as a result of this application be structured in a manner that does not hinder the development of effective retail competition in VEDCO'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 CRNGS 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 15<sup>th</sup> day of January 2008.

  
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