

BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Applications of Duke	)	
Energy Ohio, Inc. for an Increase in its Gas	)	Case No. 07-589-GA-AIR
Rates.	)	
	)	

In the Matter of the Application of Duke	)	
Energy Ohio, Inc. for Approval of an	)	Case No. 07-590-GA-ALT
Alternative Rate Plan for its Gas Distribution	)	
Service.	)	

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

**MOTION TO INTERVENE  
OF INTEGRYS ENERGY SERVICES, INC.**

Pursuant to Section 4903.221, Revised Code, Rule 4901-01-11 of the Ohio Administrative Code, Integrys Energy Services, Inc. ("Integrys") moves for intervention in these matters. Integrys is an active competitive retail natural gas service ("CRNG") provider certificated by the Commission with offices in Ohio. It provides competitive retail natural gas service to consumers in the Duke Energy Ohio service territory. On July 18, 2007, Duke Energy Ohio ("Duke") filed an application for an increase in gas distribution rates, for approval of an alternative rate plan, and for approval to change accounting methods. As such, Integrys has a real and substantial interest in these cases and requests that its Motion for Intervention be granted for the reasons set forth below in its accompanying Memorandum in Support.

WHEREFORE, Integrys Energy Services, Inc. respectfully requests that its Motion to Intervene be granted.

Respectfully submitted,



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## **MEMORANDUM IN SUPPORT**

On July 18, 2007, Duke filed applications for an increase in gas distribution rates, for approval of an alternative rate plan, and for approval to change accounting methods. On August 1, 2007, Duke filed its direct testimony and exhibits. The Commission has approved the proposed newspaper notice for publication and has selected Blue Ridge Consulting Services, Inc. as an independent consultant to assist the Staff in the review of the application.

The standards for intervention in proceedings before this Commission are set forth in Section 4903.221, Revised Code, and Rule 4901-1-11 of the Ohio Administrative Code. Section 4903.221, Revised Code, provides that the Commission, in ruling upon applications to intervene in its proceedings, shall consider the following criteria:

- (1) The nature and legal 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.

Rule 4901-1-11 of the Ohio Administrative Code provides that upon timely motion, any person may be permitted to intervene in a proceeding upon a showing that that person has a real and substantial interest in the proceeding and that in making such an evaluation, the Commission may consider:

- (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 proceedings; and
- (4) Whether granting the requested intervention would unduly delay the proceeding or unjustly prejudice any existing party.

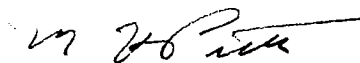
Integrys is an active competitive retail natural gas provider in the Duke Energy Ohio service territory serving both individual customers and governmental aggregations. It has intervened and participated in several cases involving natural gas companies in Ohio. The proposals contained in both the rate increase case and the alternative rate plan will affect the dynamics of competition and customer choices in Duke's service territory. These proposals, if adopted, will have consequences on Integrys's operations and business interests. Therefore, Integrys has a real and substantial interest in these matters.

Integrys is an experienced competitive retail natural gas service provider Duke's system, as well as an experienced operator in several other states. Integrys' experience and knowledge will assist the Commission in considering the issues in these cases, and therefore, Integrys' participation will contribute to the full development and equitable resolution of the issues. No other party can adequately represent Integrys' interests. Integrys' participation will not unduly delay or unjustly prejudice any existing party.

For the above-discussed reasons, Integrys has a direct, real, and substantial interest in the issues in these matters, which can only be protected by its participation.

WHEREFORE, for the reasons explained above, Integrys Energy Services, Inc. respectfully requests that the Commission permit it to intervene in the above-captioned proceedings and be made a party for all purposes.

Respectfully submitted,



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### CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion to Intervene was served upon the following persons, by first-class, U.S. mail, postage prepaid, and, where applicable, by e-mail this 18<sup>th</sup> day of January, 2008.

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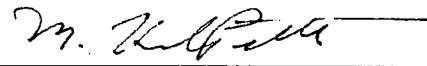
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Summary: Motion Motion to Intervene of Integrys Energy Services, Inc. electronically filed by Howard Petricoff on behalf of Integrys Energy Services, LLC