

FILE

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

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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
East Ohio for Authority to Increase Rates)
for its Gas Distribution Service.)

In the Matter of the Application of The)
East Ohio Gas Company d/b/a Dominion) Case No. 07-830-GA-ALT
East Ohio for Approval of an Alternative)
Rate Plan for its Gas Distribution)
Service.)

In the Matter of the Application of The)
East Ohio Gas Company d/b/a Dominion) Case No. 07-831-GA-AAM
East Ohio for Approval to Change)
Accounting Methods.)

In the Matter of the Application of The)
East Ohio Gas Company d/b/a Dominion) Case No. 08-169-GA-UNC
East Ohio for Approval of Tariffs to)
Recover Certain Costs Associated with.)
a Pipeline Infrastructure Replacement)
Program through an Automatic)
Adjustment Clause and for Certain)
Accounting Treatment.)

**OHIO PARTNERS FOR AFFORDABLE ENERGY'S
MEMORANDUM CONTRA MOTION TO CONSOLIDATE**

Ohio Partners for Affordable Energy ("OPAE"), an intervenor in the above-captioned cases, hereby submits this memorandum contra the motion to consolidate filed at the Public Utilities Commission of Ohio ("Commission") by The East Ohio Gas Company d/b/a Dominion East Ohio ("Dominion"), the applicant in these cases. In its motion to consolidate, Dominion claims that consolidating these cases would promote conservation of Commission resources without prejudice to any party.

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OPAE opposes consolidation of Case No. 08-169-GA-UNC with the pending applications for an increase in base rates (Case No. 07-829-GA-AIR), an alternative rate plan (Case No. 07-830-GA-ALT) and accounting authority (Case No. 07-831-GA-AAM). The three pending rate applications were initiated on July 20, 2007, and OPAE filed to intervene in them on July 26, 2007. The rate increase application was filed on August 30, 2007. Therefore, the pending applications for an increase in rates and for an alternative regulation plan were made over six months ago. The process for review of these applications is already six months old, and the Staff Report of Investigation should be issued shortly. Dominion's contention that consolidation will not prejudice any party is wrong. There has been no notice of the pipeline infrastructure replacement program. There has been no time to review the application, and certainly no fairness in putting Case No. 08-169-GA-UNC on the same timeline as the applications for an increase in rates and for an alternative rate plan that were initiated over six months ago. OPAE's ability to review the application in Case No. 08-169-GA-UNC will be severely prejudiced by consolidation of this case with the pending rate applications. Case No. 08-169-GA-UNC was only filed on February 22, 2008, and OPAE has only moved to intervene today.

Moreover, there are obvious statutory and procedural problems associated with the Case No. 08-169-GA-UNC application. A request for an infrastructure replacement program and alternative cost recovery for such a program might lawfully be made in an alternative regulation plan application pursuant to the statutory alternative regulation plan procedures. Dominion has

made no such request for an alternative rate plan in Case No. 08-169-GA-UNC and has followed no alternative regulation plan procedures. Another alternative for cost recovery associated with infrastructure replacement is an application for an increase in base rates, but again Case No. 08-169-GA-UNC is not an application for an increase in base rates. Dominion's pending applications for an increase in base rates and an alternative regulation plan, which are already six months old, are too far along in the review process to be amended to include the infrastructure replacement program cost recovery request, even if Dominion had made such a request for amendment. The application in Case No. 08-169-GA-UNC is unlawful and should be dismissed. It is likely that the Commission will soon be considering motions to dismiss Case No. 08-169-GA-UNC.


In conclusion, OPAE opposes consolidation of Case No. 08-169-GA-UNC with the pending rate and alternative rate plan applications. The pending rate and alternative rate plan applications were initiated over six months ago and are too far along in the process for consolidation with the Case No. 08-169-GA-UNC application. It is also obvious that the proposal in Case No. 08-169-GA-UNC requires either an application for an increase in rates or an application for an alternative rate plan; however, Dominion has made no such applications. Dominion's currently pending applications cannot now be amended for the consideration of this new infrastructure replacement program cost recovery proposal.

Respectfully submitted,


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CERTIFICATE OF SERVICE

I hereby certify that a copy of Ohio Partners for Affordable Energy's Memorandum Contra has been electronically delivered to the following parties in the above-captioned proceedings on this 14th day of March 2008.


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