



# FAX

City of Cleveland  
Frank G. Jackson, Mayor

10

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601 Lakeside Avenue, Room 105  
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**VIA FEDERAL EXPRESS**

June 17, 2008

Betty McCauley  
The Public Utilities Commission of Ohio  
Docketing Division  
180 East Broad Street  
Columbus, Ohio 43216-3793

RECEIVED - DOCKETING DIV  
2100 JUN 17 AM 11:45  
PUCO

**Re: Intervention in Case No's.: 07-829-GA-AIR; 07-830-GA-ALT; 07-831-GA-AAM; 08-169-GA-ALT & 08-1453-GA-UNC**

Dear Ms. McCauley:

I have enclosed an original and 20 copies of the City of Cleveland's Motion to Intervene for filing in the above-referenced docket. Please return a time-stamped copy to me in the enclosed self-addressed stamped envelope.

If you have any questions regarding this filing, please contact me at (216) 664-2569.

Very truly yours,

Julianne Kurdila  
Chief Assistant Director of Law  
Utilities

enclosure

This is to certify that the images appearing are an accurate and complete reproduction of a case file document delivered in the regular course of business.  
Technician SM Date Processed 6/17/08

RECEIVED-DOCKETING DIV  
2008 JUN 17 AM 11:45  
PUCO

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of )  
The East Ohio Gas Company )  
d/b/a Dominion East Ohio ) **Case No. 07-829-GA-AIR**  
for Authority to Increase Rates for )  
its Gas Distribution Service. )

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

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

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

In the Matter of the Application of )  
The East Ohio Gas Company )  
d/b/a Dominion East Ohio for Approval ) **Case No. <sup>Dp</sup>~~08~~-1453-GA-UNC**  
of Tariffs to Recover Certain Costs )  
Associated with a Automatic Meter )  
Reading Deployment Through an )  
Automatic Adjustment Clause, and for )  
Certain Accounting Treatment. )

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**MOTION TO INTERVENE AND MEMORANDUM OF SUPPORT  
OF INTERVENTION FILED ON BEHALF  
OF THE CITY OF CLEVELAND**

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Pursuant to Ohio Revised Code §4903.221 and Ohio Administrative Code §4901-1-11, the City of Cleveland (Cleveland) respectfully moves the Public Utilities Commission of Ohio (Commission) for leave to intervene in the above-captioned dockets, as a full party of record, and the full powers and rights granted to an intervening party.

As more fully set forth in the attached Memorandum of Support of Intervention, Cleveland submits that it has a direct, real, and substantial interest in the issues and matters involved in the above-captioned proceedings, and that it is so situated that the disposition of the proceedings, as a practical matter, without its participation may impair or impede its ability to protect its interests. Cleveland further submits that its participation in these dockets will not cause undue delay, will not unjustly prejudice any existing party, and will contribute the just and expeditious resolution of the issues and concerns raised in these proceedings.

Moreover, inasmuch as others in these proceedings will not adequately represent Cleveland's interests, Cleveland respectfully submits that it is entitled to intervene in these proceedings, with the fully powers and rights granted to an intervening party.

**WHEREFORE**, Cleveland respectfully requests the Commission to grant its Motion to Intervene.

Respectfully Submitted,



**Robert J. Triozzi (0016532)**

Director of Law

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City of Cleveland

Cleveland City Hall

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**Attorneys for the City of Cleveland**

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

**In the Matter of the Application of )  
The East Ohio Gas Company )  
d/b/a Dominion East Ohio ) **Case No. 07-829-GA-AJR**  
for Authority to Increase Rates for )  
its Gas Distribution Service. )  
)**

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

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

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

**In the Matter of the Application of )  
The East Ohio Gas Company )  
d/b/a Dominion East Ohio for Approval ) **Case No. <sup>016</sup>~~08~~-1453-GA-UNC**  
of Tariffs to Recover Certain Costs )  
Associated with a Automatic Meter )  
Reading Deployment Through an )  
Automatic Adjustment Clause, and for )  
Certain Accounting Treatment. )**

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**MEMORANDUM OF SUPPORT  
OF INTERVENTION**

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Pursuant to Ohio Revised Code §4903.221 and Ohio Administrative Code §4901-1-11, the City of Cleveland (Cleveland) respectfully moves the Public Utilities Commission of Ohio (Commission) for leave to intervene in the above-captioned dockets, as a full party of record, and the full powers and rights granted to an intervening party. For the below reasons, Cleveland respectfully submits that the Commission should grant its Motion to Intervene.

**I. Intervention Criteria**

For purposes of considering requests for leave to intervene, 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) [t]he person has a real and substantial interest in the proceeding, and 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, R.C. §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; and
- (4) Whether the prospective intervener will significantly contribute to the full development and equitable resolution of the factual issues.

O.A.C. §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 requesting intervention would unduly delay the proceeding or unjustly prejudice any existing party.

## **II. Discussion**

Cleveland is a municipal corporation empowered by Article XVIII of the Ohio Constitution to provide for the health, safety, and welfare of its citizens. Cleveland and many of its citizens are consumers of natural gas service that is provided by Dominion East Ohio (DEO), an investor-owned utility applying for (1) authority to increase rates for distribution service, (2) approval of an alternative rate plan, (3) approval to change its accounting methods, (4) approval for tariffs to recover certain costs associated with the pipeline infrastructure replacement program through an automatic adjustment clause, and (5) approval for tariffs to recover certain costs associated with the automatic meter reading deployment through an automatic adjustment clause in the above-captioned matter. Consequently, Cleveland and its citizens have a real and substantial interest in these proceedings. Other participants do not adequately represent the interest of Cleveland and its citizens, and without Cleveland's participation the disposition of the proceeding may, as a practical matter, impair or impede Cleveland's ability to protect its interest and the interests of its citizens.

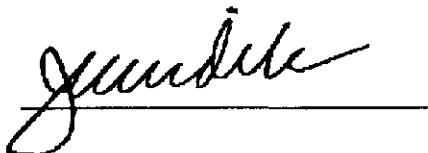
Cleveland has been actively involved in the natural gas service matters before this Commission for many years and in many cases. Cleveland seeks to intervene and participate in this matter to represent the perspective of a municipal customer as well as the perspective of Cleveland's citizens relative to all issues which may arise. To the

extent that it is appropriate and efficient, Cleveland intends to coordinate its participation with that of other interested groups.

For all of the reasons set forth above, Cleveland has direct, real, and substantial interests in the issues in these proceedings, which can only be protected by its participation. Disposition of the proceeding without Cleveland's participation may, as a practical matter, impair Cleveland's ability to protect its interests and interests of its citizens. Cleveland's participation will contribute to the full development and the just and equitable resolution of the issues likely to be raised in this proceeding, and Cleveland's participation will not cause any delay, nor will intervention unduly prolong this proceeding.

**WHEREFORE**, Cleveland respectfully submits that the Commission must grant its Motion to Intervene.

Respectfully Submitted,



**Robert J. Triozzi (0016532)**

Director of Law

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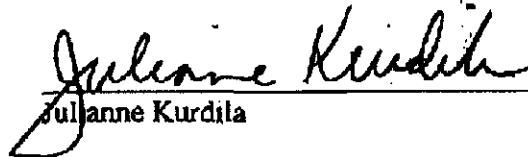
(216) 664-2663 (Fax)

**Attorneys for the City of Cleveland**



**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Motion to Intervene and Memorandum in Support of Intervention of the City of Cleveland was served upon the following parties of record or as a courtesy, via ordinary U.S. mail, express mail, hand delivery, or electronic transmission on June 17, 2008.

  
Julianne Kurdila

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