



10

City of Cleveland  
Frank G. Jackson, Mayor

RECEIVED-DOCKETING DIV

2008 JUN 18 AM 10:02

Department of Law  
Robert J. Triozzi, Director  
601 Lakeside Avenue, Room 106  
Cleveland, Ohio 44114-1077  
216/664-2800 • Fax: 216/664-2663  
www.cleveland-oh.gov

PUCO

**VIA FEDERAL EXPRESS**

June 17, 2008

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

**Re: Intervention in Case No's.: 07-829-GA-AIR; 07-830-GA-ALT; 07-831-GA-AAM; 08-169-GA-ALT & 06-1453-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) 664-4190.

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 6/18/08

BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO 2008 JUN 18 AM 10: 02

PUCO

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. 06-1453-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. )

---

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

---

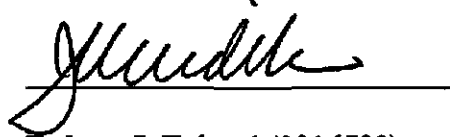
Pursuant to Ohio Revised Code §4903.221 and Ohio Administrative Code §4901-1-11, the City of Cleveland (Cleveland) respectfully moves the Public Utilities Commission of Ohio (Commission) for leave to intervene in the above-captioned dockets, as a full party of record, and the full powers and rights granted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

A handwritten signature in black ink, appearing to read "R. Triozzi", is written over a horizontal line.

**Robert J. Triozzi (0016532)**

Director of Law

Email: [RTriozzi@city.cleveland.oh.us](mailto:RTriozzi@city.cleveland.oh.us)

Direct Dial: (216) 664-2800

**Julianne Kurdila (0043582)**

Email: [JKurdila@city.cleveland.oh.us](mailto:JKurdila@city.cleveland.oh.us)

Direct Dial: (216) 664-4190

City of Cleveland

Cleveland City Hall

601 Lakeside Avenue, Room 206

Cleveland, Ohio 44114-1077

(216) 664-2663 (Fax)

**Attorneys for the City of Cleveland**

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

<b>In the Matter of the Application of</b>	)	
<b>The East Ohio Gas Company</b>	)	
<b>d/b/a Dominion East Ohio</b>	)	<b>Case No. 07-829-GA-AIR</b>
<b>for Authority to Increase Rates for</b>	)	
<b>its Gas Distribution Service.</b>	)	
	)	
<b>In the Matter of Application of</b>	)	
<b>The East Ohio Gas Company</b>	)	
<b>d/b/a Dominion East Ohio</b>	)	<b>Case No. 07-830-GA-ALT</b>
<b>For Approval of an Alternate Rate</b>	)	
<b>Plan for its Gas Distribution Service.</b>	)	
	)	
<b>In the Matter of the Application of</b>	)	
<b>The East Ohio Gas Company</b>	)	
<b>d/b/a Dominion East Ohio</b>	)	<b>Case No. 07-831-GA-AAM</b>
<b>for Approval to Change Accounting</b>	)	
<b>Methods.</b>	)	
	)	
<b>In the Matter of the Application of</b>	)	
<b>The East Ohio Gas Company</b>	)	
<b>d/b/a Dominion East Ohio for Approval</b>	)	<b>Case No. 08-169-GA-ALT</b>
<b>of Tariffs to Recover Certain Costs</b>	)	
<b>Associated with a Pipeline</b>	)	
<b>Infrastructure Replacement Program</b>	)	
<b>Through an Automatic Adjustment</b>	)	
<b>Clause, and for Certain Accounting</b>	)	
<b>Treatment.</b>	)	
	)	
<b>In the Matter of the Application of</b>	)	
<b>The East Ohio Gas Company</b>	)	
<b>d/b/a Dominion East Ohio for Approval</b>	)	<b>Case No. 06-1453-GA-UNC</b>
<b>of Tariffs to Recover Certain Costs</b>	)	
<b>Associated with a Automatic Meter</b>	)	
<b>Reading Deployment Through an</b>	)	
<b>Automatic Adjustment Clause, and for</b>	)	
<b>Certain Accounting Treatment.</b>	)	

---

**MEMORANDUM OF SUPPORT  
OF INTERVENTION**

---

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.

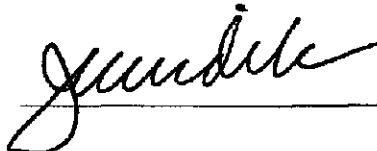
Cleveland has been actively involved in the natural gas service matters before this Commission for many years and in many cases. Cleveland seeks to intervene and participate in this matter to represent the perspective of a municipal customer as well as the perspective of Cleveland's citizens relative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



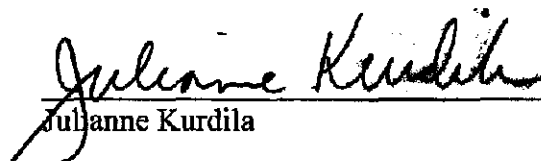
**Robert J. Triozzi (0016532)**  
Director of Law  
Email: RTriozzi@city.cleveland .oh.us  
Direct Dial: (216) 664-2800  
**Julianne Kurdila (0043582)**  
Email: JKurdila@city.cleveland.oh.us  
Direct Dial: (216) 664-4190  
City of Cleveland  
Cleveland City Hall  
601 Lakeside Avenue, Room 206  
Cleveland, Ohio 44114-1077  
(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

**Parties of Record:**

**David A Kutik**

Jones Day  
North Point, 901 Lakeside Avenue  
Cleveland, Ohio 44114-1190

**Christopher W. Flynn**

Jones Day  
77 West Wacker  
Chicago, Illinois 60601-1692

**Mark A. Whitt (Counsel of Record)**

Andrew J. Campbell  
Jones Day  
Mailing address:  
P.O. Box 165017  
Columbus, Ohio 43216-5017  
Street address:  
325 John H. McConnell Blvd. Suite 600  
Columbus, Ohio 43215-2673

**Jean A. Demarr**

The East Ohio Gas Company d/b/a  
Dominion East Ohio  
1201 East 55<sup>th</sup> Sreet  
Cleveland, Ohio 44101

**Jeffrey A. Murphy**

The East Ohio Gas Company d/b/a  
Dominion East Ohio  
1201 East 55<sup>th</sup> Sreet  
Cleveland, Ohio 44101

**Joseph P. Meissner**

The legal Aid Society of Cleveland  
1223 West 6<sup>th</sup> Street  
Cleveland, Ohio 44113

**David C. Rinebolt**

Ohio Partners for Affordable Energy  
231 W. Lima Street  
P.O. Box 1793

Findlay, Ohio 45839-1793

**Colleen L. Moony**  
Ohio Partners for Affordable Energy  
1431 Mumford Rd.  
Columbus, Ohio 43212

**John W. Bentine**  
Chester, Wilcox & Saxbe LLP  
65 East State Street, Suite 1000  
Columbus, Ohio 43215-4213

**M. Howard Petricoff**  
**Stephen Howard**  
Integrays Energy Systems, Inc.  
52 E. Gay Street  
P.O. Box 1008  
Columbus, OH 43216

**Barth E. Royer**  
Dominion Retail, Inc.  
Bell & Royer Co., LLP  
33 South Grant Ave.  
Columbus, OH 43215

**Stephen Howard**  
Ohio Gas Marketers' Group

52 E. Gay Street  
P.O. Box 1008  
Columbus, OH 43216

**Todd M. Smith**  
Utility Workers of America  
Local G555  
616 Penton Media Building  
1300 E. Ninth St.  
Cleveland, OH 44114

**W. Jonathan Airey**  
Ohio Oil & Gas Association  
52 E. Gay Street  
P.O. Box 1008  
Columbus, OH 43216

**John M. Dosker**  
General Counsel  
Stand Energy Corporation  
1077 Celestial Street, Suite 110  
Cincinnati, OH 45202

**Stephen A. Reilly**  
Assistant Attorney General  
Ohio Attorney General's Office  
180 East Broad Street, 9<sup>th</sup> Floor  
Columbus, OH 43215