



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

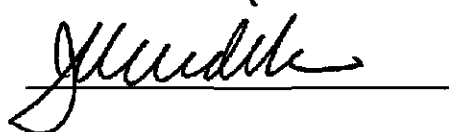
Pursuant to Ohio Revised Code §4903.221 and Ohio Administrative Code §4901-1-11, the City of Cleveland (Cleveland) respectfully moves the Public Utilities Commission of Ohio (Commission) for leave to intervene in the above-captioned dockets, as a full party of record, and the full powers and rights granted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

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

**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. 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.)	

**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 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 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.

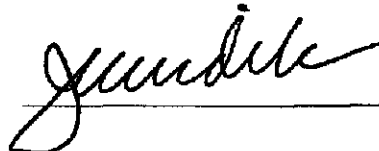
Cleveland has been actively involved in the natural gas service matters before this Commission for many years and in many cases. Cleveland seeks to intervene and participate in this matter to represent the perspective of a municipal customer as well as the perspective of Cleveland's citizens relative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

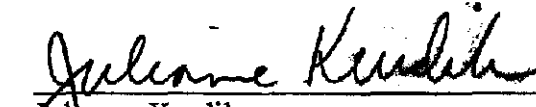
Cleveland, Ohio 44114-1077

(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 55th Sreet
Cleveland, Ohio 44101

Jeffrey A. Murphy

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

Joseph P. Meissner

The legal Aid Society of Cleveland
1223 West 6th 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, 9th Floor
Columbus, OH 43215