

**FILE**

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

7  
RECEIVED-DOCKETING DIV  
2008 OCT -9 PM 4:09  
PUCO

In the Matter of the Regulation of the )  
Purchased Gas Adjustment Clause )  
Contained Within the Rate Schedules of ) Case No. 08-220-GA-GCR  
Vectren Energy Delivery of Ohio, Inc. and )  
Related Matters. )

---

**MOTION TO INTERVENE  
BY  
THE OFFICE OF THE OHIO CONSUMERS' COUNSEL**

---

The Office of the Ohio Consumers' Counsel ("OCC") moves to intervene in this case related to the review of the reasonableness and lawfulness of the utility's purchase of natural gas that is sold to residential customers and certain other customers.<sup>1</sup> OCC is filing on behalf of all the approximately 292,000 residential utility consumers of Vectren Energy Delivery of Ohio, Inc. ("Vectren" or "Company"). The reasons the Public Utilities Commission of Ohio ("Commission" or "PUCO") should grant OCC's Motion are further set forth in the attached Memorandum in Support.

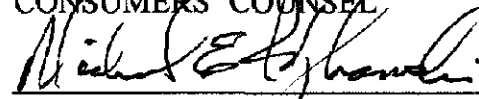
---

<sup>1</sup> R.C. Chapter 4911, R.C. 4903.221 and Ohio Adm. Code 4901-1-11.

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 TM Date Processed 10/9/2008

Respectfully submitted,

JANINE L. MIGDEN-OSTRANDER  
CONSUMERS' COUNSEL



---

Michael E. Idzkowski, Counsel of Record  
Joseph P. Serio  
Larry S. Sauer  
Assistant Consumers' Counsel

**Office of the Ohio Consumers' Counsel**  
10 West Broad Street, Suite 1800  
Columbus, Ohio 43215-3485  
Telephone: (614) 466-8574  
[idzkowski@occ.state.oh.us](mailto:idzkowski@occ.state.oh.us)  
[serio@occ.state.oh.us](mailto:serio@occ.state.oh.us)  
[sauer@occ.state.oh.us](mailto:sauer@occ.state.oh.us)

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Regulation of the            )  
Purchased Gas Adjustment Clause            )  
Contained Within the Rate Schedules of        ) Case No. 08-220-GA-GCR  
Vectren Energy Delivery of Ohio, Inc. and    )  
Related Matters.                                 )

---

**MEMORANDUM IN SUPPORT**

---

This case involves the review of the reasonableness and lawfulness of Vectren's purchases of the natural gas that is sold to Ohio customers, under R.C. 4905.302. OCC moves to intervene under its legislative authority to represent the interests of all the approximately 292,000 residential natural gas utility customers of Vectren, pursuant to R.C. Chapter 4911.

R.C. 4903.221 provides, in part, that any person "who may be adversely affected" by a PUCO proceeding is entitled to seek intervention in that proceeding. The interests of Ohio's residential consumers may be "adversely affected" by this case, especially if the consumers were unrepresented in a proceeding that will establish the rates and charges that residential consumers will have to pay for natural gas commodity service. Thus, this element of the intervention standard in R.C. 4903.221 is satisfied.

R.C. 4903.221(B) requires the Commission to consider the following criteria in ruling on motions to intervene:

- (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 proceeding; and
- (4) Whether the prospective intervenor will significantly contribute to the full development and equitable resolution of the factual issues.

First, the nature and extent of OCC's interest is representing the residential consumers of Vectren in order to prevent imprudent, unreasonable, or inappropriate charges for residential natural gas commodity service and assuring that the provision of natural gas services will effectively and efficiently serve the energy needs of Vectren's residential customers. This interest is different than that of any other party and especially different than that of the utility whose advocacy includes the financial interest of stockholders.

Second, OCC's advocacy for consumers will include advancing the position that Vectren's rates should be no more than what is reasonable and lawful under Ohio law, for service that is adequate under Ohio law. OCC's position is therefore directly related to the merits of this case that is pending before the PUCO, the authority with regulatory control of public utilities' rates and service quality in Ohio.

Third, OCC's intervention will not unduly prolong or delay the proceedings. OCC, with its longstanding expertise and experience in PUCO proceedings, will duly allow for the efficient processing of the case with consideration of the public interest.

Fourth, OCC's intervention will significantly contribute to the full development and equitable resolution of the factual issues. OCC will obtain and develop information that the PUCO should consider for equitably and lawfully deciding the case in the public interest.

OCC also satisfies the intervention criteria in the Ohio Administrative Code (which are subordinate to the criteria that OCC satisfies in the Ohio Revised Code). To intervene, a party should have a “real and substantial interest” according to Ohio Adm. Code 4901-1-11(A)(2). As the residential utility consumer advocate, OCC has a very real and substantial interest in this case where the rates and charges that residential consumers will have to pay for natural gas commodity service will be determined.

In addition, OCC meets the criteria of Ohio Adm. Code 4901-1-11(B)(1)-(4). These criteria mirror the statutory criteria in R.C. 4903.221(B) that OCC already has addressed and that OCC satisfies.

Ohio Adm. Code 4901-1-11(B)(5) states that the Commission shall consider the “extent to which the person’s interest is represented by existing parties.” While OCC does not concede the lawfulness of this criterion, OCC satisfies this criterion in that it uniquely has been designated as the state representative of the interests of Ohio’s residential utility consumers. That interest is different from, and not represented by, any other entity in Ohio.

Moreover, the Supreme Court of Ohio confirmed OCC’s right to intervene in PUCO proceedings, in ruling on an appeal in which OCC claimed the PUCO erred by denying its intervention. The Court found that the PUCO abused its discretion in denying OCC’s intervention and that OCC should have been granted intervention.<sup>2</sup>

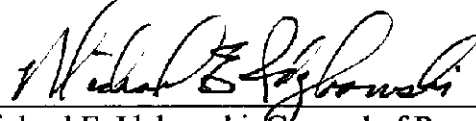
OCC meets the criteria set forth in R.C. 4903.221, Ohio Adm. Code 4901-1-11, and the precedent established by the Supreme Court of Ohio for intervention. On behalf of Ohio residential consumers, the Commission should grant OCC’s Motion to Intervene.

---

<sup>2</sup> *Ohio Consumers’ Counsel v. Pub. Util. Comm.*, 111 Ohio St.3d 384, 2006-Ohio-5853, ¶¶13-20 (2006).

Respectfully submitted,

JANINE L. MIGDEN-OSTRANDER  
CONSUMERS' COUNSEL



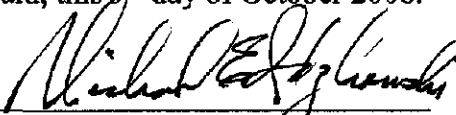
---

Michael E. Idzkowski, Counsel of Record  
Joseph P. Serio  
Larry S. Sauer  
Assistant Consumers' Counsel

**Office of the Ohio Consumers' Counsel**  
10 West Broad Street, Suite 1800  
Columbus, Ohio 43215-3485  
Telephone: (614) 466-8574  
[idzkowski@occ.state.oh.us](mailto:idzkowski@occ.state.oh.us)  
[serio@occ.state.oh.us](mailto:serio@occ.state.oh.us)  
[sauer@occ.state.oh.us](mailto:sauer@occ.state.oh.us)

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of this *Motion to Intervene* was served on the persons stated below *via* First Class mail, postage prepaid, this 9<sup>th</sup> day of October 2008.

  
Michael E. Idzkowski  
Assistant Consumers' Counsel

**SERVICE LIST**

Gretchen J. Hummel  
McNees Wallace & Nurick LLC  
21 E State St 17<sup>th</sup> Fl  
Columbus, OH 43215

Thomas Lindgren  
Assistant Attorney General  
Public Utilities Commission of Ohio  
180 E Broad St  
Columbus, OH 43266-0573