

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of)	
Columbia Gas of Ohio, Inc., for Approval)	Case No. 08-1344-GA-EXM
of a General Exemption of Certain Natural)	
Gas Commodity Sales Services or)	
Ancillary Services.)	

**MOTION OF CONSTELLATION NEWENERGY – GAS
DIVISION, LLC FOR LEAVE TO INTERVENE**

Now comes Constellation NewEnergy–Gas Division, LLC ("CNEG") and respectfully moves for intervention in the above styled Columbia Gas of Ohio ("Columbia") proceeding. Columbia's application seeks to amend its transportation tariffs for customers who purchase their gas supplies from a marketer / supplier. The application also seeks authorization to hold a supply auction. As a marketer / supplier with customers in Ohio and for the reasons set forth in the following Memorandum in Support, CNEG meets the Commission's criteria for intervention.

CNEG requests that both co-counsel and regulatory advisor be added to the service list. Thus, CNEG requests that the following two persons be added to the service list via the following contact information:

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WHEREFORE, pursuant to Section 4903.221, Revised Code and Rule 4901-1-11 of the Ohio Administrative Code, CNEG moves to be admitted as a full party of record in the above styled proceeding.

Respectfully submitted,



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MEMORANDUM IN SUPPORT

CNEG has recently filed an application in Case No. 09-459-GA-CRS to become a Certified Retail Natural Gas Supplier (CRNGS) in Ohio. In addition to providing more than 25 Bcf of natural gas annually to existing commercial and industrial customers in Ohio including the Columbia Gas of Ohio service area, CNEG intends to begin offering services in the governmental aggregation sector. CNEG is a full-service provider of natural gas supply and transportation-related services to retail customers throughout North America including commercial, industrial, municipal and power generation facilities. CNEG's more than 14,000 customer facilities annually consume more than 450 Bcf of natural gas. CNEG's management has significant experience in the natural gas market and intimate knowledge of the day to day operations of an energy management company. CNEG does not own physical infrastructure, such as pipelines and meters, but does acquire natural gas supply and interstate pipeline capacity. In the provision of its natural gas commodity and related services, CNEG evaluates competitively priced supply options from all applicable supply basins and creates supply portfolios needed to fulfill CNEG customer's requirements.

CNEG's current and proposed sales operation in Ohio will be directly affected by the changes to the current tariff provisions requested by Columbia in its application. Specifically, CNEG will be affected by the proposed changes to the terms and conditions for balancing and banking, the elimination of the current operational flow order provision and the adoption of new flow order criteria, and the assessment of a new five cent per Mcf "aggregation fee" on all suppliers who serve customers who consume 15,000 Mcf, which includes CNEG.

Further, CNEG is a potential supplier / bidder for the proposed auction, but believes that some of the terms and conditions requested by Columbia in the application should be amended in order to provide more value to standard service customers who will be supplied by the auction.

The standard for intervention in a Commission proceeding is established in Section 4903.221(B), Revised Code which provides that the Commission, in ruling upon applications to intervene, must consider the following criteria:

- (1) The nature and extend of the prospective intervenor's interests;
- (2) The legal position advanced by the prospective intervenor in 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 full development and equitable resolution of the factual issues.

Rule 4901-1-11(A) of the Ohio Administrative Code also provides the criteria for intervention. This Rule states in part:

(A) Upon timely motion, any person shall be permitted to intervene in a proceeding upon a showing that:

* * *

(2) The person has a real and substantial interest in the proceeding, and the 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.

Among the factors to be considered are the nature of the intervenor's interests, the extent to which those interests are represented by existing parties, the intervenor's potential contribution to a just and expeditious resolution of the issues involved, and whether intervention would result in an undue delay of the proceeding or unjustly prejudice an existing party. *Id.*, at (B).

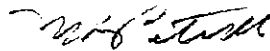
As noted above, CNEG's current and proposed natural gas sales activities will be directly affected by the application in the matter at bar. That creates both a direct and unique interest by CNEG in participation in the Columbia proceeding. No other intervenor can adequately represent

CNEG's interest, though CNEG in accordance with the Commission's policy that parties with like interests coordinate their efforts to assist in streamlining the hearing provisions will work with other CRES and suppliers.

CNEG is making a timely application for intervention in this case and thus its intervention will not delay this proceeding. Finally, given its expertise CNEG can and will contribute to full development and equitable resolution of the factual issues.

WHEREFORE, for the reasons stated above, Constellation NewEnergy – Gas Division, LLC respectfully requests that its Motion for Leave to Intervene be granted and it be made a full party of record.

Respectfully submitted,



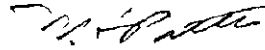
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of the foregoing document was served by regular U.S. mail, postage prepaid, or by email, where applicable, this 5th day of June, 2009, on the parties listed below.



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