

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

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

**JOINT MOTION FOR LIMITED INTERVENTION BY
THE NATIONAL ENERGY MARKETERS ASSOCIATION
AND WAL-MART STORES, INC.**

Now come the National Energy Marketers Association ("NEM") and Wal-Mart Stores, Inc. ("Wal-Mart") pursuant to Section 4903.221, Revised Code and Rule 4901-1-11 of the Ohio Administrative Code ("OAC"), and move for limited intervention in the above styled docket. NEM and Wal-Mart have a real and substantial interest in this matter for the reasons set forth in the accompanying memorandum in support.

NEM and Wal-Mart respectfully request that the following two persons be added to the service list via the following contact information:

Craig G. Goodman, Esq.
President
National Energy Marketers Association
3333 K. Street, N.W.
Suite 110
Washington, D.C. 20007
Tel. (202) 333-3288

Chris Hendrix
Director of Markets & Compliance
Energy Regulation & Legislation
Wal-Mart Stores, Inc.
2001 Southeast 10th Street
Bentonville, AR 72716-0550
Tel: (479) 204-0845
Fax (479) 204-0936
chris.hendrix@wal-mart.com

PUCO

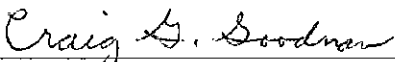
2009 JUN -5 PM 2:49

RECEIVED-DOCKETING DIV

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 Ann Date Processed 6/5/09

WHEREFORE, for the reasons stated below, NEM and Wal-Mart request that their joint motion for limited intervention be granted and that they be made full parties of record.

Respectfully submitted,



Craig G. Goodman, Esq. *by Stephen M. Howard*
President
National Energy Marketers Association
3333 K. Street, N.W.
Suite 110
Washington, D.C. 20007
Tel. (202) 333-3288
Fax (202) 333-3266
Email: cgoodman@energymarketers.com

Attorney for National Energy Marketers
Association and Wal-Mart Stores, Inc.

MEMORANDUM IN SUPPORT

On January 30, 2009, Columbia Gas of Ohio, Inc. ("Columbia") filed an application pursuant to Section 4929.04, Revised Code, for approval of a general exemption of certain natural gas commodity sales services or ancillary services contained in Chapters 4905, 4909, and 4935, Revised Code. This included the change from supplying the standard service offer by use of bilateral supply agreements with a public, wholesale auction. Columbia also proposes increasing the customer eligibility threshold for Gas Transportation Service from 2,000 Mcf per year per account to 15,000 Mcf per account per year.

Pursuant to Section 4903.221, Revised Code and Rule 4901-1-11 of the Ohio Administrative Code ("OAC"), NEM and Wal-Mart jointly move for limited intervention in the above styled docket. NEM's and Wal-Mart's intervention would address the proposed auction and the proposed change in the customer eligibility for Gas Transportation Service. NEM and Wal-Mart have a real and substantial interest in these subjects for the reasons set forth herein.

Rule 4901-1-11 of the OAC states in part:

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 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. *Id.* See also R.C. 4903.221(B). A review of these factors in light of following facts supports the National Energy Marketers Association (NEM's) intervention.

NEM is a non-profit trade association representing wholesale and retail marketers of natural gas, electricity, as well as energy and financial related products, services, information and advanced technologies throughout the United States, Canada and the European Union. NEM's membership includes independent suppliers of natural gas, advanced metering, demand side management and load management firms as well as retail customers.

NEM, as a representative of a regionally diverse group of providers of energy and energy-related services, has an interest in advocating implementation of rates, tariffs, operating procedures, standards of conduct, rules, and policies that will ensure the development and maintenance of an efficient, reliable and price competitive natural gas market. As natural gas marketers and providers of energy-related services and technologies, various NEM members are serving and intend to serve customers in the Columbia Gas of Ohio market. Further, the application calls for implementation of a wholesale supply auction a subject that NEM has both prior experience and expertise.

The National Energy Marketers Association, as a participant in restructuring proceedings nationwide, will be able to bring a broad perspective, to the deliberative process, and its participation in this proceeding should aid the Commission by enhancing the quality of the record to be developed here. NEM can lend a unique perspective to this proceeding, particularly on how auctions have been conducted in other jurisdictions for both gas and electric. While other individual marketers have intervened in this matter, NEM's interests and insight is significantly different and unique given its industry diversity.

NEM is intervening prior to the deadline for intervention in this proceeding and well in advance of the deadline for discovery and the filing of intervenor testimony. Thus, NEM's participation in these proceedings will not cause undue delay, nor will it unjustly prejudice any existing party. In addition, NEM pledges to work with the other marketers and consumer interests to avoid redundant discovery, testimony or cross examination. Thus, NEM will contribute to the just and quick resolution of the issues and concerns raised in these proceedings.

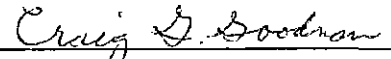
Wal-Mart is a large retailer with more than 175 facilities in Ohio, many of which are located in the Columbia Gas service territory. These facilities include Wal-Mart Super Centers, Discount Stores, Sam's Clubs, and Distribution Centers. As of May, 2009, there were 55,526 Wal-Mart associates in Ohio and as a result of Wal-Mart's relationship with 2,215 suppliers in Ohio, Wal-Mart supported 180,952 supplier jobs in the state. Wal-Mart paid more than \$67.2 million in state and local taxes in the state of Ohio in fiscal year 2009 and gave \$10.5 million in cash and in-kind donations to local causes and organizations in the communities that Wal-Mart serves in Ohio. Because it is a commercial retail customer of Columbia, Wal-Mart has a real and substantial interest in this case.

While NEM and Wal-Mart have both great interest and expertise in the proposed auction, market development and market efficiency, the application in the matter at bar addresses many other topics and issues. Thus, NEM and Wal-Mart request joint limited intervention only on the topics of the auction and the proposed change in the customer eligibility threshold for Gas Transportation Service.

In light of the above statements, NEM and Wal-Mart submit that good cause exists to grant them leave to intervene in this proceeding.

WHEREFORE, for the reasons stated above, NEM and Wal-Mart request that their joint motion for intervention be granted and that they be made a full party of record.

Respectfully submitted,

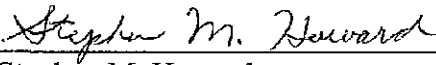

Craig G. Goodman, Esq.
National Energy Marketers Association
3333 K Street, NW, Suite 110
Washington, DC 20007
Tel: (202) 333-3288
Fax: (202) 333-3266
Email: cgoodman@energymarketers.com
Web site: www.energymarketers.com

Attorneys for National Energy Marketers Association and Wal-Mart Stores, Inc.

Dated: June 5, 2009

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.



Stephen M. Howard

Stephen B. Seiple
Daniel A. Creekmur
Columbia Gas of Ohio, Inc.
200 Civic Center Drive
P. O. Box 117
Columbus, OH 43216-0117
sseiple@nisource.com

David C. Rinebolt
Colleen L. Mooney
Ohio Partners for Affordable Energy
231 West Lima Street
P. O. Box 1793
Findlay, OH 45839-1793
drinebolt@aol.com

M. Howard Petricoff
Stephen M. Howard
Vorys, Sater, Seymour and Pease LLP
52 East Gay Street
P. O. Box 1008
Columbus, OH 43216-1008
mhpetricoff@vorys.com
smhoward@vorys.com

Larry Gearhardt
Ohio Farm Bureau Federation
280 North High Street
P. O. Box 182383
Columbus, OH 43218-2383
lgearhardt@ofbf.org

John Dosker
Stand Energy Corporation
1077 Celestial Street, Suite 110
Cincinnati, OH 45202-1113
jdosker@stand-energy.com

Glenn Krassen
Bricker & Eckler LLP
1375 East Ninth Street, Suite 1500
Cleveland, OH 44114-1718
gkrassen@bricker.com

Barth E. Royer
Bell & Royer Co., LPA
33 South Grant Ave.
Columbus, OH 43215-3927
BarthRoyer@aol.com

David Boehm
Boehm, Kurtz and Lowry
36 East 7th Street, Suite 1510
Cincinnati, OH 45202-4454
dboehm@bkllawfirm.com

Lisa McAlister
McNees, Wallace & Nurik
21 East State Street, 17th Floor
Columbus, OH 43215-4228
lmcalister@mwncmh.com

Lawrence Sauer
Office of the Ohio Consumers' Counsel
10 West Broad Street, Suite 1800
Columbus, OH 43215-3485
sauer@occ.state.oh.us

Steven M. Sherman
Krieg DeVault LLP
One Indiana Square, Suite 2800
Indianapolis, IN 46204
ssherman@kdlegal.com

Stephan A. Ariyan
Sempra Energy Trading LLC
58 Commerce Road
Stamford, CT 06902
Stephan.ariyan@rbssempra.com

Lisa M. Simpkins
Constellation Energy Resources
111 Market Place, Suite 500
Baltimore, MD 21202
Lisa.simpkins@constellation.com

Chris Hendrix
Director of Markets & Compliance
Energy Regulation & Legislation
Wal-Mart Stores, Inc.
2001 Southeast 10th Street
Bentonville, AR 72716-0550
chris.hendrix@wal-mart.com

W. Jonathan Airey
Vorys, Sater, Seymour and Pease LLP
52 E. Gay Street / P.O. Box 1008
Columbus, OH 43216-1008
wjairey@vorys.com

Christopher D. Young
Constellation Energy Resources, LLC
111 Market Place, Suite 500
Baltimore, MD 21202
Christopher.young@constellation.com

Craig G. Goodman, Esq.
President
National Energy Marketers Association
3333 K. Street, N.W.
Suite 110
Washington, D.C. 20007
cgoodman@energymarketers.com