

**FILE**

**IN THE SUPREME COURT OF OHIO**

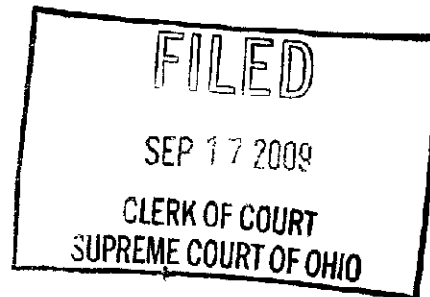
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The Office of the Ohio Consumers' Counsel, : Case No. 09-1547  
Appellant, : Appeal from the Public  
Utilities Commission of Ohio  
v. :  
The Public Utilities Commission of Ohio, : Public Utilities Commission of Ohio  
Case Nos. 07-1080-GA-AIR  
Appellee. : and 07-1081-GA-ALT

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**MOTION TO INTERVENE AS APPELLEE OF  
VECTREN ENERGY DELIVERY OF OHIO, INC.**

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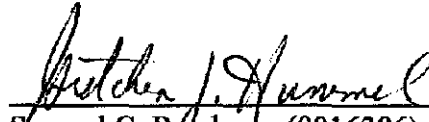
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**Motion to Intervene of Vectren Energy Delivery of Ohio, Inc.**

Vectren Energy Delivery of Ohio, Inc. ("VEDO") hereby moves for leave to intervene as intervening appellee in this matter. This case is before the court on the appeal by the Office of the Ohio Consumers' Counsel ("OCC") from the January 7, 2009 Opinion and Order and the August 26, 2009 Entry on Rehearing of the Public Utilities Commission of Ohio ("PUCO") in PUCO Case Nos. 07-1080-GA-AIR and 07-1081-GA-ALT. The PUCO proceedings involved, *inter alia*, applications by VEDO for authority to increase its rates and approval to implement a straight fixed variable rate design mechanism. As the applicant in the PUCO proceeding, and as a party directly affected by the PUCO's orders, VEDO has a real and substantial interest in the appeal of those entries. Specifically, VEDO's interest in this proceeding is in the implementation of the approved straight fixed variable rate design mechanism which provides VEDO a reasonable opportunity to recover the fixed costs of providing natural gas distribution service. VEDO's intervention in this matter is necessary to protect this interest inasmuch as no existing party adequately represents VEDO's interest in this appeal. VEDO believes that its participation will not cause undue delay, will not unjustly prejudice any existing party, and will contribute to the just and expeditious resolution of the issues.

WHEREFORE, VEDO respectfully requests that the Court grant it leave to intervene as intervening appellee in this proceeding.

Respectfully submitted,



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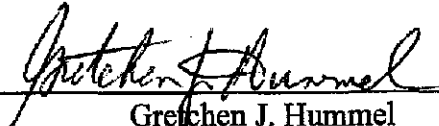
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**COUNSEL FOR VECTREN ENERGY  
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CERTIFICATE OF SERVICE

I hereby certify that copies of this Motion to Intervene as Appellee of Vectren Energy Delivery of Ohio, Inc. has been served by first class mail, postage prepaid, or hand-delivered to the following parties of record, this 17th day of September, 2009.

  
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