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BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO

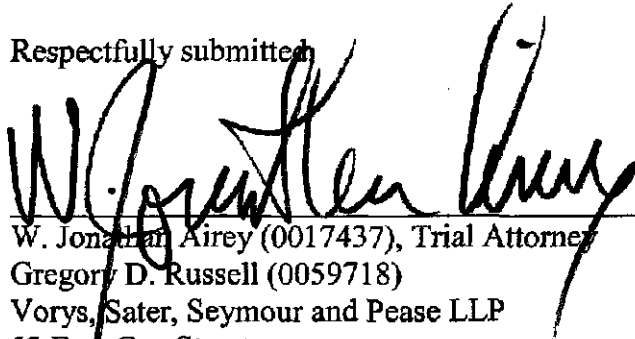
In the Matter of the Application of The East )  
Ohio Gas Company, dba Dominion East ) Case No. 07-1224-GA-EXM  
Ohio, for Approval of a General Exemption )  
of Certain Natural Gas Commodity Sales )  
Services or Ancillary Services. )

MOTION OF THE OHIO OIL AND GAS ASSOCIATION  
FOR LEAVE TO INTERVENE

Now comes the Ohio Oil and Gas Association ("OOGA" or "Association") and respectfully moves the Commission for leave to intervene in this matter pursuant to Section 4903.221 of the Ohio Revised Code and Rule 4901-1-11 of the Ohio Administrative Code. The Association has a real, direct and substantial interest in the *Motion for a Special Management Performance Audit and Order to Prepare a Long-Term Forecast Report* filed by the Office of the Ohio Consumers' Counsel ("OCC") on May 18, 2010. Further, the Association is so situated that the disposition of this proceeding may impair or impede the Association's ability to protect that interest, which is not adequately represented by any existing party. Granting this motion to intervene will not unduly burden or delay this proceeding or unjustly prejudice any party.

The attached memorandum sets forth more fully the reasons supporting this motion.

Respectfully submitted

  
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## **MEMORANDUM IN SUPPORT**

### **I. Introduction**

On May 18, 2010, the OCC filed in this docket a *Motion for a Special Management Performance Audit and Order to Prepare a Long-Term Forecast Report*, prompted by the filing of a joint application with Federal Energy Regulatory Commission ("FERC") by East Ohio and its interstate pipeline affiliate, DTI. The joint applicants have asked the FERC for a certificate of public convenience and necessity so that East Ohio can lease approximately 3-5 Bcf of its on-system, Ohio storage to DTI, which then plans on using that storage to serve its interstate customers. The OCC has asked this Commission for a special M/P Audit because it is concerned over the operation and viability of both East Ohio's Choice and SCO Programs, which "are dependent on the availability of [East Ohio's] on-system storage capacity which permits participating Marketers to physically hedge some gas supply so that they can offer residential customers a lower year-round price for service."<sup>1</sup>

The Association and its members rely on East Ohio's on-system storage as part of their production and marketing activities and therefore have an understandable interest in ensuring that it remains adequate for local Ohio production. Consequently, the Association moves this Commission for leave to intervene in this proceeding to protect its interest, and the interests of its members, in receiving just and reasonable service as East Ohio customers.

### **II. Intervention**

OOGA is an association of approximately 1,500 members involved in all aspects of the oil and gas producing industry in the Appalachian Basin, the most mature producing basin in the

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<sup>1</sup> *Motion for a Special Management Performance Audit and Order to Prepare a Long-Term Forecast Report* ("OCC Motion") at 3.

country. Its members are primarily small business entities, similar to small family farms, involved in all aspects of the exploration, development, production and marketing of crude oil and natural gas resources in the State of Ohio. Because of the small size of most members, the Association is relied upon as the members' primary source of information on industry trends, activities, tax changes, legislation and regulatory matters. The Association also serves to protect its members' interests by participating in federal and state regulatory actions involving the crude oil and natural gas industry.

The Association, on behalf of itself and its members, has a real, direct and substantial interest in this proceeding and should be granted leave to intervene in order to protect its interests as an active and significant consumer of on-system storage capacity services on the East Ohio system. Rule 4901-1-11(A) states:

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

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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). See also Rev. Code § 4903.221(B). A review of those factors compels the Association's intervention here.

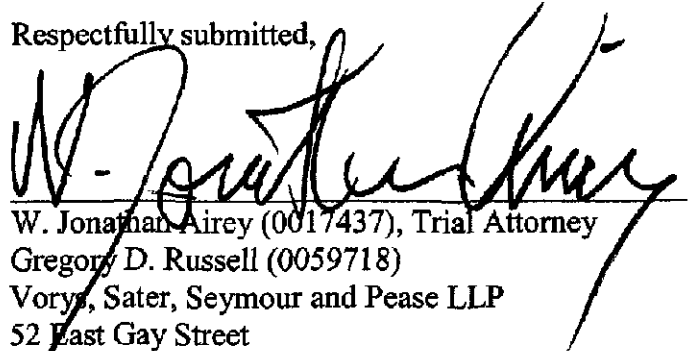
Many of the Association's 1,500 members have production connected to, are shippers on, and/or sell to gas marketers on the East Ohio system, and the Association, its members, and their gas marketer customers make substantial use of storage capacity and related services on the East Ohio system. In fact, the growth of local Ohio production on the East Ohio system over the past several years has been nothing short of remarkable. In 2003, Ohio producers moved 50 Bcf (billion cubic feet) of natural gas on the East Ohio system. In 2009, that number was 64 Bcf – a growth of 14 Bcf over a 7-year period, or an average increase of 2 Bcf per year. Much of that local production makes use of East Ohio's on-system Ohio storage capacity. As consumers of storage capacity and related services on the East Ohio system, the Association and its members have a direct and substantial interest in the outcome of these proceedings, the continued health and viability of the East Ohio system and its various natural gas programs, and in assuring that there is no degradation in the current level of service that the Association and its members receive today and in the future for Ohio natural gas production.

The Association submits that its participation in this proceeding, with the experience and expertise that it brings, will contribute to a just and expeditious resolution of the issues raised by the OCC's Motion. The Association further submits that its intervention will not unduly delay the proceeding or unjustly prejudice any party. Without the ability to participate, however, the Association's interest, and the interests of its members, in ensuring that sufficient Ohio natural gas storage capacity exists and continues to exist for local Ohio production will not be adequately protected by the existing parties.

### III. Conclusion

For the reasons stated above, the Association respectfully requests that its Motion for Leave to Intervene be granted.

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 16<sup>th</sup> day of July, 2010, on the following:

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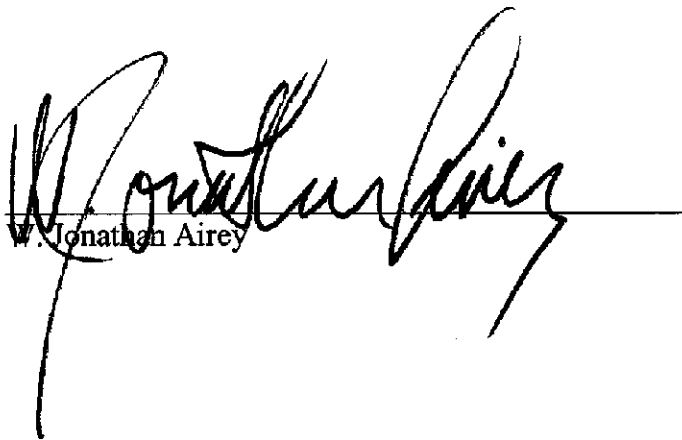
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