

FILE

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

5
RECEIVED-DOCKETING DIV
2011 JUN 15 PM 4:53
PUCO


In the Matter of the Application of)
Suburban Natural Gas Company for)
Authority to Abandon Service)
Pursuant to Ohio Revised Code)
Sections 4905.20 and 4905.21)

Case No. 08-947-GA-ABN

**Motion to Intervene and Memorandum in Support of
Ohio Intrastate Energy, LLC**

Ohio Intrastate Energy, LLC ("Ohio Intrastate"), by and through counsel,
respectfully moves pursuant to Section 4903.221, Ohio Revised Code and Rule 4901-1-
11, Ohio Administrative Code for leave to intervene in the above-captioned proceeding.
Good cause to permit this intervention is stated in the Memorandum in Support attached
to this Motion.

Respectfully submitted,



Andrew J. Sonderman, Trial Attorney (0008610)
Margeaux Kimbrough (0085152)
Kegler Brown Hill & Ritter LPA
Capitol Square, Suite 1800
65 East State Street
Columbus, Ohio 43215
Telephone (614) 462-5400
Fax (614) 464-2634
asonderman@keglerbrown.com
mkimbrough@keglerbrown.com

Counsel for Ohio Intrastate Energy, LLC

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 SM Date Processed JUN 16 2011

MEMORANDUM IN SUPPORT

On August 1, 2008 Suburban Natural Gas Company ("Suburban") filed an application to abandon service to the Villages of Hamler, Holgate, Deshler, Hoytville, and Malinta and to certain customers located in unincorporated areas served by facilities owned by the Villages. According to its application, Suburban has provided natural gas service to the Villages and their inhabitants through facilities owned by the Villages and leased to Suburban pursuant to fifty-year lease agreements between each of the Villages and Suburban (Application, p. 1). The leases with the Villages expired in October 2009, with the exception of Malinta's lease which will expire in September 2012 (Id., p. 2). Suburban represents that the transmission system serving the villages was designed and constructed as an integrated transmission system in which each of the Villages owns an undivided interest although each is responsible for the maintenance and expansion of only a part of the transmission system (Id.). Suburban's application states its willingness to assist the Villages to ensure an orderly transition of management and control of the integrated transmission and distribution systems to the Villages or some other operator to help assure no service interruption to customers served through these facilities if the Commission should grant it authority to abandon its service through the system facilities (Id., p. 3).

Ohio Intrastate is in the process of acquiring by lease the distribution system owned by the Village of Hoytville as well as its interest in that portion of the integrated transmission system installed and maintained at its expense. The Village of Hoytville has adopted a rate ordinance for service by Ohio Intrastate within the Village effective upon the final order in this proceeding and approval of Ohio Intrastate's pending application in Case No. 11-3171-GA-

ATA for approval to file a tariff providing for retail sales in unincorporated areas not served pursuant to ordinance rates.

Ohio Intrastate has also arranged for the purchase of that portion of the integrated transmission system installed and maintained at the expense of the Village of McComb, extending south from the Village of Hoytville to McComb. Although Suburban's application in this case does not request authority to abandon service to the Village of McComb, by agreement dated September 1, 1994 between Suburban and McComb, Suburban retained the right to operate certain "Remainder Facilities" which as defined therein includes the pipeline from Hoytville to McComb. By an Addendum to Agreement dated November 25, 2009 and executed by Suburban and McComb, the transfer of Suburban's interest in the Remainder Facilities will occur simultaneously with the transfer by Suburban of its interest in the other municipal natural gas systems in Deshler, Holgate, Hamler, Hoytville and Malinta. For this reason, the acquisition by Ohio Intrastate of McComb's six inch pipeline from Hoytville to McComb must be synchronized with Suburban's transfer of its interest in the Remainder Facilities by order in this proceeding.

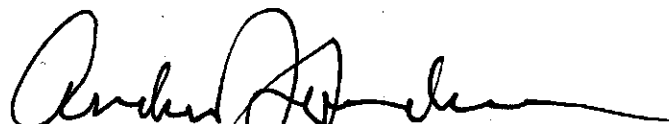
Consistent with the requirements of Ohio Revised Code §4903.221 and Rule 4901-1-11(B), Ohio Administrative Code, Ohio Intrastate is a real party in interest herein, whose interest is not now represented, who can make a contribution to the proceeding and will not unduly delay the proceeding or prejudice any existing party.

Ohio Intrastate submits that its interest is not represented by any existing parties, or by Ohio Gas Company which filed a Motion to Intervene on June 13, 2011. Ohio Intrastate notes that by a joint motion submitted on that date by KNG Energy, Inc., Ohio Gas Company and the Village of Deshler, the Movants make a recommendation specifically applicable to the

customers served through the integrated transmission system to the Hoytville municipal distribution system and customers in unincorporated areas served on the McComb six inch pipeline south of Hoytville. That recommendation is that KNG Energy provide temporary service to such customers in substitution for Suburban "until such time as [Ohio Intrastate] is ready to commence service". (Memorandum in Support, p. 12). Under these circumstances, not only is it appropriate that Ohio Intrastate be granted leave to intervene, its contribution to the imminent resolution of this proceeding is substantial and necessary.

For the aforementioned reasons, Ohio Intrastate Energy, LLC has a direct, real and substantial interest in the issues and matters involved in the above-captioned proceeding that will be protected only by its participation in this proceeding. Therefore, Ohio Intrastate Energy, LLC respectfully requests leave to intervene in this proceeding.

Respectfully submitted,



Andrew J. Sonderman, Trial Attorney (0008610)
Margeaux Kimbrough (0085152)
Kegler Brown Hill & Ritter LPA
Capitol Square, Suite 1800
65 East State Street
Columbus, Ohio 43215
Telephone (614) 462-5400
Fax (614) 464-2634
asonderman@keglerbrown.com
mkimbrough@keglerbrown.com

Counsel for Ohio Intrastate Energy, LLC

CERTIFICATE OF SERVICE

The undersigned counsel for Ohio Intrastate Energy, LLC certifies that the foregoing Motion to Intervene and Memorandum in Support of Ohio Intrastate Energy, LLC was served on the following counsel of record on this 15th day of June, 2011 by electronic mail, hand-delivery or ordinary U.S. Mail, postage prepaid:

John Bentine
Mark Yurick
Chester Willcox & Saxbe, LLP
65 East State Street, Suite 1000
Columbus, Ohio 43215
jbentine@cwslaw.com

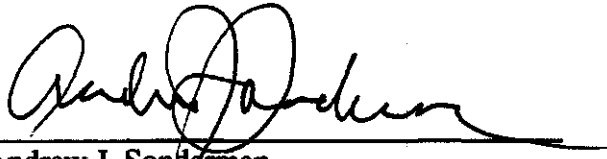
Barth Royer
Bell & Royer Co., LPA
33 South Grant Avenue
Columbus, Ohio 43215-3927
barthroyer@aol.com

William J. Michael
General Counsel
Suburban Natural Gas Company
2626 Lewis Center Road
Lewis Center, Ohio 43035-9206

David Busick
Solicitor, Village of Deshler
5671 Road 9
Liberty Center, Ohio 43532

Werner L. Margard
Assistant Attorney General
Public Utilities Section, PUCO
180 East Broad Street
Columbus, Ohio 43215-3793

Gretchen J. Hummel
Joseph E. Olikier
McNees Wallace & Nurick LLC
Fifth Third Center
21 East State Street, 17th Floor
Columbus, Ohio 43215-4228
ghummel@mwncmh.com
joliker@mwncmh.com



Andrew J. Sondlerman