

FILE

5

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Columbia )  
Gas of Ohio, Inc. to Revise its Tariffs Relating ) Case No. 10-3122-GA-ATA  
To its Full Requirements Cooperative )  
Transportation Service. )

RECEIVED-DOCKETING DIV  
2011 OCT -4 PM 3:31  
PUCO

**MOTION FOR LEAVE TO INTERVENE  
OUT OF TIME BY CONSUMERS GAS COOPERATIVE**

Pursuant to Section 4903.221, Revised Code and Rule 4901-1-11 of the Ohio Administrative Code, Consumers Gas Cooperative ("CGC") respectfully moves for leave to intervene out of time in the above-styled proceeding. The reasons supporting the intervention are contained in the accompanying Memorandum in Support.

WHEREFORE, Consumers Gas Cooperative respectfully requests that the Commission grant its motion for leave to intervene out of time and that Consumers Gas Cooperative be made a full party of record.

Respectfully submitted,

Stephen M. Howard  
Stephen M. Howard, Attorney  
Vorys, Sater, Seymour and Pease LLP  
52 East Gay Street  
P.O. Box 1008  
Columbus, OH 43216-1008  
Phone: (614) 464-5401  
E-mail: smhoward@vorys.com

Attorneys for Consumers Gas Cooperative

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 JD Date Processed 10-04-11

## MEMORANDUM IN SUPPORT

On December 23, 2010, Columbia Gas of Ohio, Inc. (“Columbia”) filed an application to revise a section of its tariff relating to its Full Requirements Cooperative Transportation Service.

On January 27, 2011, Knox Energy Cooperative Association (“Knox”) filed a motion to intervene in this matter. The attorney examiner granted the motion to intervene of Knox by Entry of May 31, 2011.

The attorney examiner also established a procedural schedule and process in which the deadline for interested entities to intervene was June 20, 2011. Deadlines for filing memorandum contra to motions to intervene was established for June 24, 2009, with reply dates being due on June 29. Service of pleadings was required to be made by hand delivery, facsimile or e-mail. A conference was initially scheduled for July 11, 2011, but was subsequently held on September 1, 2011.

Unfortunately, the May 31, 2011 Entry establishing this procedural schedule was served only on each party of record.

CGC is an Ohio-not-for-profit, member-owner natural gas cooperative formed to provide natural gas service to its members in rural areas in Ohio. CGC has approximately 4400 members and supplies gas only to its members. As a cooperative, CGC is not a jurisdictional natural gas company pursuant to Section 4905.02(B), Revised Code, and, as such, is not subject to Commission rate regulation. However, CGC is subject to the Commission’s gas pipeline safety jurisdiction pursuant to Section 4905.90, et seq., Revised Code.

As a non-regulated cooperative, CGC obtains its gas for its members by transportation through the facilities of Columbia. Columbia proposes to revise the section of its tariff that deals with its Full Requirements Cooperative Transportation Service (“FRCTS”). Columbia is proposing to revise its tariff to include specific requirements prior to Columbia’s construction of

facilities to serve cooperatives. If Columbia's revised FRCTS tariff is approved, CGC and its customers will face additional financial and other burdens when applying for service from Columbia. CGC and its customers have a real, direct and substantial interest in this proceeding.

Section 4903.221, Revised Code and Rule 4901-1-11 of the Ohio Administrative Code establish the standard for intervention in cases before the Commission. Section 4903.221(B), Revised Code provides that in considering applications to intervene, the Commission must consider the nature and extent of the prospective intervener's interest, the legal position advanced and its probable relation to the merits of the case, whether intervention will unduly prolong or delay the proceeding, and whether the prospective intervener will significantly contribute to full development and equitable resolution of the factual issues. Rule 4901-1-11(B) of the Ohio Administrative Code indicates that in deciding whether to permit intervention, the Commission, the legal director, the deputy legal director or an attorney examiner must consider the nature and extent of the prospective intervener's interest, the legal position advanced by the prospective intervener and its probable relation to the merits of the case, whether the intervention will unduly prolong or delay the proceedings, whether the prospective intervener will significantly contribute to full development and equitable resolution of the factual issues, and the extent to which the person's interest is represented by existing parties.

CGC will undoubtedly be affected by the resolution of this case. It has a real and substantial interest in the outcome. CGC recognizes that it did not meet the June 20, 2011 deadline for filing a motion to intervene. However, CGC is willing to accept the record and procedural schedule as it now stands and will not unduly delay the proceeding. It merely seeks to be at the table if the Commission asks for any additional input before resolving this case.

Notice of the May 31, 2011 Entry was not provided to CGC. CGC submits that good cause exists under Section 4903.221, Revised Code and extraordinary circumstances exist under Rule 4901-1-11 of the Ohio Administrative Code for permitting it to intervene out of time.

WHEREFORE, Consumers Gas Cooperative respectfully requests that the Commission grant its motion for leave to intervene out of time and permit it to become a full party of record in this case.

Respectfully submitted,



---

Stephen M. Howard, Attorney  
Vorys, Sater, Seymour and Pease LLP  
52 East Gay Street  
P.O. Box 1008  
Columbus, OH 43216-1008  
Phone: (614) 464-5401  
E-mail: smhoward@vorys.com

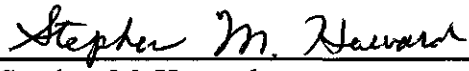
Attorneys for Consumers Gas Cooperative

**CERTIFICATE OF SERVICE**

I certify that a copy of the foregoing document was served by U.S. Mail, first class, postage prepaid, and by electronic mail upon the following persons this 4<sup>th</sup> day of October, 2011:

Brook E. Leslie  
Stephen B. Seiple  
Columbia Gas of Ohio  
200 Civic Center Drive  
Columbus, OH 43216  
[bleslie@nisource.com](mailto:bleslie@nisource.com)  
[sseiple@nisource.com](mailto:sseiple@nisource.com)

John W. Bentine  
Mark S. Yurick  
Chester Willcox & Saxbe LLP  
65 E. State St., Ste. 1000  
Columbus, OH 43215  
[jbentine@cwslaw.com](mailto:jbentine@cwslaw.com)  
[myurick@cwslaw.com](mailto:myurick@cwslaw.com)

  
\_\_\_\_\_  
Stephen M. Howard