

FILED

RECEIVED-DOCKETING DIV

2011 OCT 18 PM 4:07

BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

PUCO

Application of Columbia Gas of Ohio,)
Inc. to Revise its Tariffs Relating to) Case No. 10-3122-GA-ATA
Cooperatives)

COLUMBIA GAS OF OHIO INC.'S
MEMORANDUM IN OPPOSITION TO
CONSUMERS GAS COOPERATIVES'
MOTION FOR LEAVE TO INTERVENE OUT OF TIME

Now comes Columbia Gas of Ohio, Inc. ("Columbia"), by and through its attorneys, and files its Memorandum in Opposition to the Motion for Leave to Intervene Out of Time filed by Consumers Gas Cooperative ("CGC") in the above-captioned proceeding. CGC's motion should be denied for the reasons set forth below.

On December 23, 2010, Columbia filed an Application in this docket in which Columbia requested specific changes to its tariff provisions dealing with Full Requirements Cooperative Transportation Service ("FRCTS"). On January 27, 2011, Knox Energy Cooperative Association ("Knox") moved to intervene and requested an evidentiary hearing. The hearing examiner set forth a procedural schedule on May 31, 2011, which required Columbia to serve its Application on interested parties by June 10, 2011 and for any party seeking intervention, to file a motion by June 20, 2011. Columbia served all entities currently served under the FRCTS tariff with a copy of its Application on June 10, 2011. No additional parties intervened in the case. A pre-hearing conference was held on September 1, 2011 and the parties continue settlement discussions.

OAC 4901-1-11 (A)(2) permits intervention if a person or party "has a real and substantial interest in the proceeding." Columbia currently does not serve CGC under its FRCTS tariff. As such, CGC cannot demonstrate a "real and substantial interest" if it is not a customer under the tariff at issue in this proceeding. Therefore, the Commission should deny CGC's motion.

Further, OAC 4901-1-11 (E) mandates that motions to intervene be filed within 5 days of a scheduled hearing or as set forth in a procedural schedule. In this case, the attorney examiner set forth a procedural schedule requiring motions to be filed by June 20, 2011. CGC did not file its motion until October 4,

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 ID Date Processed 10-18-11

2011. As such, CGC's motion is untimely. OAC 4901-1-11 (F) permits untimely motions only under extraordinary circumstances. CGC has not met the requisite standard. Consequently, the motion should be denied.

WHEREFORE, Colombia Gas of Ohio Inc. respectfully requests that the Commission deny the motion for leave to intervene out of time.

Respectfully submitted,
COLUMBIA GAS OF OHIO, INC.


Brooke E. Leslie, Trial Attorney

Stephen B. Seiple, Assistant General
Counsel
200 Civic Center Dr.
Columbus, OH 43216-0117
Telephone: (614) 460-5558
Fax: (614) 460-6986
Email: bleslie@nisource.com

Attorneys for Respondent
COLUMBIA GAS OF OHIO, INC.

CERTIFICATE OF SERVICE

I hereby certify that on this 18th day of October, a true and accurate copy of the foregoing was served by email and by ordinary U.S. mail, postage prepaid upon counsel for Knox Energy and upon counsel for Consumers Gas Cooperative at the addresses below:

John W. Bentine
Chester, Willcox & Saxbe LLP
65 E. State Street, Suite 1000
Columbus, Ohio 43215
Counsel for Knox Energy Cooperative Association

Stephen M. Howard
Vorys, Sater, Seymour and Pease LLP
52 E. Gay St.
P.O. Box 1008
Columbus, Ohio 43216
Counsel for Consumers Gas Cooperative


Brooke E. Leslie
Attorney for Respondent