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BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

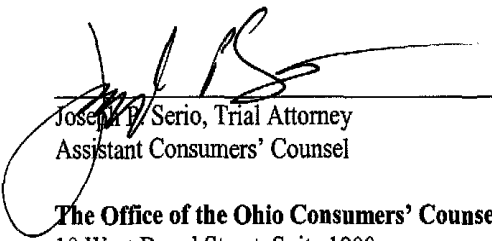
In the Matter of the Regulation of the)
Purchased Gas Adjustment Clauses)
Contained Within the Rate Schedules of) Case No. 04-220-GA-GCR
Vectren Energy Delivery of Ohio and)
Related Matters.)

THE OFFICE OF THE OHIO CONSUMERS' COUNSEL'S
MOTION TO INTERVENE

Now comes the Office of the Ohio Consumers' Counsel ("OCC"), and moves the Public Utilities Commission of Ohio ("Commission" or "PUCO") to grant the OCC intervention on behalf of residential consumers of Vectren Energy Delivery of Ohio ("Company") in this matter pursuant to R.C. Chapter 4911 and R.C. § 4903.221 and Rule 4901-1-11 of the Ohio Adm. Code, for the reasons set forth in the attached Memorandum in Support.

Respectfully submitted,

JANINE L. MIGDEN-OSTRANDER
CONSUMERS' COUNSEL



Joseph P. Serio, Trial Attorney
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**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Regulation of the)
Purchased Gas Adjustment Clauses) **Case No. 04-220-GA-GCR**
Contained Within the Rate Schedules of)
Vectren Energy Delivery of Ohio and)
Related Matters.)

MEMORANDUM IN SUPPORT

This case involves the review of the gas costs incurred by Vectren Energy Delivery of Ohio (“Vectren”) on behalf of sales customers. R.C. 4905.302. As a result of the concerns raised by the previous two management/performance auditors¹ and others² regarding the gas supply contract between Vectren and its affiliate, ProLiance Energy L.L.C., this issue takes on even greater significance in this case.

The OCC has authority pursuant to R.C. Chapter 4911, to represent the residential consumers of the Company in this matter. OCC wishes to exercise that authority and intervene in this proceeding on behalf of the Company’s residential consumers because the residential consumers of Vectren Energy Delivery of Ohio may be adversely affected by the Commission’s decision in this matter. R.C. §4903.221(B) sets forth certain criteria for the Commission’s consideration in deciding whether to grant a request for intervention. Those criteria are:

¹ *In the Matter of the Purchased Gas Adjustment Clause Contained Within the Rate Schedules of Vectren Energy Delivery of Ohio and Related Matters*, Case No. 02-220-GA-GCR, Management and Performance Audit of Gas Purchasing Practices and Policies of Vectren Energy Delivery of Ohio at ES-7; *In the Matter of the Regulation of the Purchased Gas Adjustment Clause Contained Within the Rate Schedules of Dayton Power and Light Company and Related Matters*, Case No. 00-220-GA-GCR, Management and Performance Audit of Gas Purchasing Practices and Policies of the Dayton Power and Light Company at xv.

² *In the Matter of the Purchased Gas Adjustment Clause Contained Within the Rate Schedules of Vectren Energy Delivery of Ohio and Related Matters*, Case No. 02-220-GA-GCR, Prefiled Direct Testimony of Richard L. LeLash, filed November 12, 2003, at 9-15.

- (1) The nature and extent of the prospective intervenor's interest;
- (2) The legal position advanced by the prospective intervenor;
- (3) Whether the intervention by the prospective intervenor will unduly prolong or delay the proceeding; and
- (4) Whether the prospective intervenor will significantly contribute to the full development and equitable resolution of the factual issues.

Id.

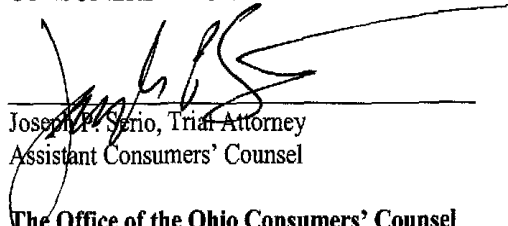
The OCC represents that the nature and extent of residential consumers' interest in this proceeding merits its intervention, that it will significantly contribute to the full development and equitable resolution of the factual issues herein, that its intervention will not unduly prolong or delay the proceeding, and its legal position is significantly related to the merits of the case. The OCC's legal position in this case is that the residential consumers who purchase gas commodity from Vectren should not pay more than the actual cost of prudently purchasing gas.³ The purpose of this case is to determine whether Vectren is passing through to GCR customers only those costs that it prudently incurred in purchasing gas commodity for its GCR consumers. Therefore, the OCC meets the criteria for intervention set forth in R.C. §4903.221. Intervention is further warranted because the existing party, the Company, in the case does not adequately represent the OCC's interest, the residential consumers of Vectren. Ohio Adm. Code §4901-1-11(B). Finally, inasmuch as the OCC has a real and substantial interest in this proceeding, the OCC would contribute to the development of a complete record that would more readily contribute to a fair and equitable resolution of the matters in this case. Ohio Adm. Code §4901-1-11(A)(2).

³ R.C. 4905.302.

WHEREFORE, the OCC respectfully requests that the Commission recognize its intervention herein.

Respectfully submitted,

JANINE L. MIGDEN-OSTRANDER
CONSUMERS' COUNSEL

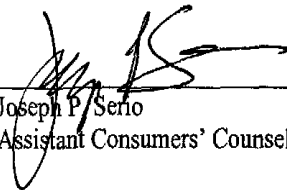


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CERTIFICATE OF SERVICE

I hereby certify that a copy of the Office of the Ohio Consumers' Counsel's Motion to Intervene, was served by first class mail, postage prepaid, on the parties identified below this 16th day of March 2005.



Joseph P. Serio
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PARITES OF RECORD

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