

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

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In the Matter of the Application of Energy)
America, LLC. for Certification as a)
Competitive Retail Natural Gas Supplier.)

1829 PUCO
Case No. 02-1929-GA-CRS

**ENERGY AMERICA LLC'S
MOTION FOR EXPEDITED APPROVAL OF ITS
APPLICATION FOR CERTIFICATION**

NOW COMES Energy America, LLC and respectfully requests that the Public Utilities Commission of Ohio grant its Motion for Expedited Approval of Its Application for Certification by July 25, 2002 for the reasons set forth in its Memorandum in Support.

Respectfully submitted,

Janine L. Migden

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MEMORANDUM IN SUPPORT

Energy America, LLC ("Energy America") requests that the Public Utilities Commission of Ohio ("PUCO" or "Commission") grant expedited approval of Energy America's Application for Certificate for good cause due to extraordinary circumstances.

On the evening of July 11, 2002 Energy America became the successful bidder in an auction to acquire approximately 175,000 of New Power's customers in Columbia Gas of Ohio's ("COH") and Dominion Energy dba Dominion East Ohio's ("DEO") service territory by exceeding Vectren Retail LLC dba Vectren Source "stalking horse" bid . This was subsequently approved by the U.S. Bankruptcy Court in Atlanta Georgia on July 12, 2002.

The closing of this transaction could occur as early as next Thursday, July 25, 2002.¹ Therefore, in order to help facilitate the closing and alleviate The New Power Company's concerns regarding the status of Energy America's certificate, Energy America requests that the Commission expedite approval of its Certification.

A precedent for this Motion was established when on July 5, 2002, Vectren filed a similar motion before the Commission which was granted on July 11, six days later. In approving the Application, the Commission stated:

The Commission has reviewed Vectren's expedited approval request and believes that it is reasonable. The Commission believes that the New Power bankruptcy proceeding has created an extraordinary situation and that granting Vectren's request for an expedited ruling is in the public interest because it may limit any potential disruptions caused by the bankruptcy.

Similar and related facts that existed for Vectren Source now exist for Energy America.

¹ While Energy America believes that the closing may take place as early as July 25, it is possible that it may be moved to early August. Nevertheless, given the possibility of closing on July 25, and the need to remove any contingencies such as certification approval, Energy America urges this Commission to approve the Application by July 25.

WHEREFORE, Energy America, LLC respectfully requests that the Public Utilities Commission of Ohio grant its Motion for an expedited ruling by July 25, 2002.

Respectfully submitted,



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