

**IN THE SUPREME COURT OF OHIO**

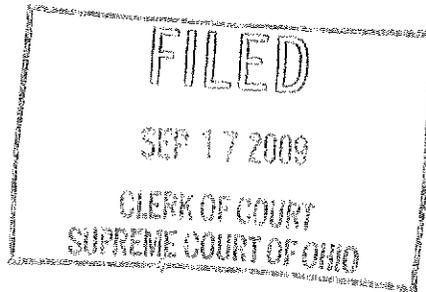
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The Office of the Ohio Consumers' Counsel, : Case No. 09-1547  
Appellant, : Appeal from the Public  
Utilities Commission of Ohio  
v. :  
The Public Utilities Commission of Ohio, : Public Utilities Commission of Ohio  
Case Nos. 07-1080-GA-AIR  
Appellee. : and 07-1081-GA-ALT

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**MOTION TO INTERVENE AS APPELLEE OF  
VECTREN ENERGY DELIVERY OF OHIO, INC.**

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Samuel C. Randazzo (0016386)  
(Counsel of Record)

Richard Cordray (0038034)  
Attorney General of Ohio

Gretchen J. Hummel (0016207)  
Lisa G. McAlister (0075043)  
McNees Wallace & Nurick LLC  
21 East State Street, 17<sup>th</sup> Floor  
Columbus, Ohio 43215  
(614) 469-8000  
(614) 469-4653 – Fax  
sam@mwncmh.com  
ghummel@mwncmh.com  
lmcAlister@mwncmh.com

Duane L. Luckey (0023557)  
(Counsel of Record)  
Senior Deputy Attorney General,  
Public Utilities Section  
Werner Margard (0024858)  
Assistant Attorney General  
180 East Broad Street, 9<sup>th</sup> Floor  
Columbus, Ohio 43215  
(614) 466-4397  
(614) 644-8764 – Fax  
Duane.Luckey@puc.state.oh.us  
Werner.Margard@puc.state.oh.us

**Counsel for Intervening Appellee,  
Vectren Energy Delivery of Ohio, Inc.**

**Counsel for Appellee,  
Public Utilities Commission of Ohio**

Janine L. Migden-Ostrander (0002310)  
Ohio Consumers' Counsel

Maureen R. Grady (0020847)  
(Counsel of Record)  
Joseph P. Serio (0036959)  
Michael E. Idzkowski (0062839)  
Assistant Consumers' Counsel  
10 West Broad Street, Suite 1800  
Columbus, Ohio 43215-3485  
(614) 466-8574  
(614) 466-9475 – Fax  
grady@occ.state.oh.us  
serio@occ.state.oh.us  
idzkowski@occ.state.oh.us

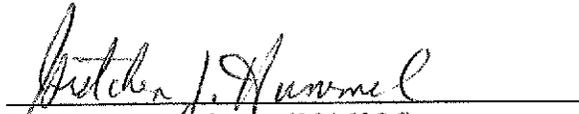
**Counsel for Appellant,  
Office of the Ohio Consumers' Counsel**

**Motion to Intervene of Vectren Energy Delivery of Ohio, Inc.**

Vectren Energy Delivery of Ohio, Inc. (“VEDO”) hereby moves for leave to intervene as intervening appellee in this matter. This case is before the court on the appeal by the Office of the Ohio Consumers’ Counsel (“OCC”) from the January 7, 2009 Opinion and Order and the August 26, 2009 Entry on Rehearing of the Public Utilities Commission of Ohio (“PUCO”) in PUCO Case Nos. 07-1080-GA-AIR and 07-1081-GA-ALT. The PUCO proceedings involved, *inter alia*, applications by VEDO for authority to increase its rates and approval to implement a straight fixed variable rate design mechanism. As the applicant in the PUCO proceeding, and as a party directly affected by the PUCO’s orders, VEDO has a real and substantial interest in the appeal of those entries. Specifically, VEDO’s interest in this proceeding is in the implementation of the approved straight fixed variable rate design mechanism which provides VEDO a reasonable opportunity to recover the fixed costs of providing natural gas distribution service. VEDO’s intervention in this matter is necessary to protect this interest inasmuch as no existing party adequately represents VEDO’s interest in this appeal. VEDO believes that its participation will not cause undue delay, will not unjustly prejudice any existing party, and will contribute to the just and expeditious resolution of the issues.

WHEREFORE, VEDO respectfully requests that the Court grant it leave to intervene as intervening appellee in this proceeding.

Respectfully submitted,

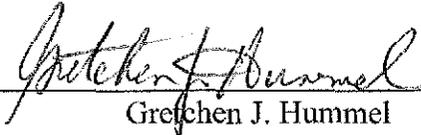


Samuel C. Randazzo (0016386)  
(Counsel of Record)  
Gretchen J. Hummel (0016207)  
Lisa G. McAlister (0075043)  
McNees Wallace & Nurick LLC  
21 East State Street, 17<sup>th</sup> Floor  
Columbus, Ohio 43215-4228  
(614) 469-8000  
(614) 469-4653 - Fax  
sam@mwncmh.com  
ghummel@mwncmh.com  
lmcAlister@mwncmh.com

**COUNSEL FOR VECTREN ENERGY  
DELIVERY OF OHIO, INC.**

CERTIFICATE OF SERVICE

I hereby certify that copies of this Motion to Intervene as Appellee of Vectren Energy Delivery of Ohio, Inc. has been served by first class mail, postage prepaid, or hand-delivered to the following parties of record, this 17th day of September, 2009.

  
Gretchen J. Hummel

Alan R. Schriber, Chairman  
Public Utilities Commission of Ohio  
180 East Broad Street  
Columbus, Ohio 43215-3793

Janine L. Migden-Ostrander  
Ohio Consumers' Counsel  
Maureen R. Grady  
Joseph P. Serio  
Michael E. Idzkowski  
Assistant Consumers' Counsel  
10 West Broad Street, Suite 1800  
Columbus, Ohio 43215-3485

Duane L. Luckey  
Senior Deputy Attorney General  
Public Utilities Section  
Werner Margard  
Assistant Attorney General  
180 East Broad Street, 9<sup>th</sup> Floor  
Columbus, Ohio 43215

John Dosker  
General Counsel  
Stand Energy Corporation  
1077 Celestial Street, Suite 110  
Cincinnati, Ohio 45202-1629

John W. Bentine  
Counsel for Interstate Gas Supply  
Chester, Willcox & Saxbe LLP  
65 East State Street, Suite 1000  
Columbus, Ohio 43215-4259

David C. Rinebolt  
Ohio Partners for Affordable Energy  
231 West Lima Street  
P.O. Box 1793  
Findlay, Ohio 45839-1793

Trent A. Dougherty  
Director of Legal Affairs  
Ohio Environmental Council  
1207 Grandview Avenue, Suite 201  
Columbus, Ohio 43212

W. Jonathan Airey  
Gregory D. Russell  
Vorys, Sater, Seymour & Pease LLP  
52 East Gay Street  
P.O. Box 1008  
Columbus, Ohio 43216-1008