

**PENNSYLVANIA PUBLIC UTILITY COMMISSION  
HARRISBURG, PENNSYLVANIA 17105**

**Pennsylvania Public Utility  
Commission, Natural Gas Suppliers,  
Stand Energy Corporation,  
Independent Oil & Gas Association  
of PA, Office of Small Business  
Advocate, Office of Consumer  
Advocate, and Volunteer Energy  
Services, Inc.  
v.  
Columbia Gas of Pennsylvania, Inc.**

**PUBLIC MEETING October 27, 2005  
OCT-2005-OSA-0342  
  
R-00049783  
R-00049783C0001  
R-00049783C0002  
R-00049783C0003  
R-00049783C0004  
R-00049783C0005  
R-00049783C0007**

**MOTION OF VICE CHAIRMAN JAMES H. CAWLEY**

Under consideration in this matter, among other things, are Exceptions filed by the National Energy Marketers Association (NEM) to a Recommended Decision (R.D.) of Administrative Law Judge Kandance F. Melillo issued May 5, 2005.

NEM seeks participation in this proceeding concerning the Application of Columbia Gas of Pennsylvania's (Columbia) proposal to offer two new fixed price natural gas supply services to both its residential and commercial customers.

ALJ Melillo denied NEM's Petition to Intervene and dismissed NEM's complaint for lack of standing. NEM filed Exceptions to the RD and Columbia filed Replies.

In an effort to ensure that the interests of all parties affected by the competitive impact of the tariffs proposed by Columbia are considered by the Public Utility Commission, NEM should be granted standing in this matter and be allowed to intervene for the following reasons:

1. As a national, non-profit trade association, representing wholesale and retail marketers of natural gas and electricity, NEM serves primarily as an advocacy group. (NEM Exc., p. 4).
2. As an advocacy group, NEM implicitly and explicitly, under its Internal Revenue Service 501(c)(3) non-profit status, functions in a representative capacity. (NEM Exc., p. 6).

3. Without NEM, many of its members could not afford to participate in proceedings of this nature due to prohibitive legal costs (NEM Exc., p. 2).
4. NEM substantially complied with ALJ Melillo's request that it identify its members by pointing out in its Answer and Memorandum of Law that a list of those NEM members willing to make their membership publicly known is available on its website. (NEM Answer and Memorandum of Law p. 5). Further, NEM agreed to provide a list of its members on a "propriety basis solely to the ALJ or the Public Utility Commission if doing so is necessary to establish that NEM's members have a direct, substantial and immediate interest in this proceeding." (NEM Exc., p. 4, note 4).
5. Since NEM's primary corporate function is to serve as an advocacy group, and since NEM's members are at potential risk of loss by Columbia's request in this matter, there is a direct substantial, and immediate risk of harm if NEM is denied party status.
6. It is virtually impossible to separate NEM's interest from that of its membership.
7. To deny NEM's standing in this matter flies in the face of the public interest. NEM's participation would ensure that energy marketing companies, which otherwise would not be able to participate due to economic constraints, can enjoy the shared costs of advocacy and ensure their interest are heard.

Based upon the above, ALJ Melillo's R.D. should not be approved as it pertains to the standing and Intervenor status of NEM. Although aware that any comments or information presented now is moot, this decision is in the public interest.

**THEREFORE, I MOVE THAT:**

1. NEM's motion to Intervene as a party-complainant be granted and that NEM's complaint be accepted for filing, and
2. The Office of Special Assistants prepare an appropriate order consistent with this Motion.

October 27, 2005  
**DATED**

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**James H. Cawley, Vice Chairman**