

**UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION**

Ozark Gas Transmission, LLC)

Docket No. RP11-1495-000

**MOTION TO INTERVENE OF THE
AMERICAN PUBLIC GAS ASSOCIATION**

Pursuant to Rule 214 of the Federal Energy Regulatory Commission's ("Commission") Rules of Practice and Procedure¹ and the November 18, 2010 Order of the Commission in this proceeding, the American Public Gas Association ("APGA") hereby submits the instant motion to intervene in the above-captioned proceeding. In support hereof, APGA states the following:

Any communications with respect to this pleading and this proceeding should be addressed to:

William T. Miller
Miller, Balis & O'Neil, P.C.
1015 Fifteenth Street, N.W.
Twelfth Floor
Washington, D.C. 20005
wmiller@mbolaw.com

David Schryver
Executive Vice President
American Public Gas Association
Suite C-4
201 Massachusetts Avenue, NE
Washington, DC 20002
dshryver@apga.org

1. APGA is the national, non-profit association of publicly-owned natural gas distribution systems, with over 700 members in 36 states. Overall, there are some 950 publicly-owned systems in the United States. Publicly-owned gas systems are not-for-profit retail distribution entities that are owned by, and accountable to, the citizens they serve. They include municipal gas distribution systems, public utility districts, county districts, and other public agencies that have natural gas distribution facilities. APGA members are for the most part

¹ 18 C.F.R. § 385.214 (2008).

captive customers that purchase interstate natural gas transportation services at rates and under terms and conditions that are regulated by the Commission.

2. On November 18, 2010, the Commission, pursuant to its section 5 authority under the Natural Gas Act, issued an order instituting an investigation as to whether the rates of Ozark Gas Transmission LLC (“Ozark”) are just and reasonable. Having determined on the basis of the Form 2 data of Ozark that Ozark “may be substantially over-recovering its cost of service and fuel and lost and unaccounted for gas” (FERC Order, P 1), the Commission ordered Ozark to file a full cost and revenue study within 75 days of the order to assist in determining whether the rates currently charged by it are just and reasonable, and the Commission set the matter for expedited hearing and resolution.

3. APGA has a member that purchases transportation on the Ozark system² as well as numerous members that purchase capacity on pipelines that may also be over-recovering their legitimate costs of service. Accordingly, APGA has a direct and substantial interest in this proceeding that cannot be represented by any other party, and its intervention is warranted in the public interest. In addition, the Commission has recognized the importance of membership organizations like APGA participating in adjudicatory proceedings, acknowledging that the Commission has the discretion to develop new policy in such proceedings and hence “recognizes the importance of participation of Membership Organizations and individual parties in such proceedings.” *American Electric Power Service Corp.*, 120 FERC ¶ 61,265 at P 10 (2007). APGA has intervened in many such proceedings, and its participation has been consistently

² The APGA member served by Ozark is Kennett Municipal Gas System, Missouri.

welcomed by the Commission.³ Like any other party, of course, APGA is limited to the specific facts in the instant proceeding.

Wherefore, for the foregoing reasons, APGA submits that its intervention in this proceeding is in the public interest and respectfully requests that it be granted intervenor status in this proceeding, with all rights associated to that status.

Respectfully submitted,

THE AMERICAN PUBLIC GAS ASSOCIATION

/s/ William T. Miller

William T. Miller
Miller, Balis & O'Neil, P.C.
1015 Fifteenth Street, N.W.
Twelfth Floor
Washington, D.C. 20005
(202) 296-2960

Its Attorney

December 10, 2010

³ See, e.g., *Texican N. La. Transport, LLC v. Southern Natural Gas Co.*, 129 FERC ¶ 61,270 (2009) (accepting motion to intervene and considering comments submitted by APGA in an NGA section 5 complaint proceeding in Docket No. RP09-1086-000). APGA was an active intervenor in the three NGA section 5 proceedings initiated by the Commission in 2009, namely *Natural Gas Pipeline Co. of America*, Docket No. RP10-147, 129 FERC ¶ 61,158 (2009); *Northern Natural Gas Co.*, Docket No. RP10-148, 129 FERC ¶ 61,159 (2009); and *Great Lakes Gas Transmission Limited Ptp*, Docket No. RP10-149, 129 FERC ¶ 61,160 (2009).

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document upon all parties of record in this proceeding in accordance with the Commission's Rules of Practice and Procedure.

Dated at Washington, D.C. this 10th day of December 2010.

/s/ William T. Miller
William T. Miller
Miller, Balis & O'Neil, P.C.
1015 Fifteenth Street, N.W.
Twelfth Floor
Washington, D.C. 20005
(202) 296-2960
jcockrell@mbolaw.com