

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Annual)
Application of Columbia Gas of Ohio,) Case No. 13-2146-GA-RDR
Inc. for an Adjustment to Rider IRP)
and Rider DSM Rates)

**MEMORANDUM IN OPPOSITION TO OHIO CONSUMERS' COUNSEL'S
MOTION TO INTERVENE**

Now comes Columbia Gas of Ohio, Inc., ("Columbia"), by and through its attorneys, and files the instant Memorandum in Opposition to the Ohio Consumers' Counsel's ("OCC") Motion to Intervene in the above captioned pleading. The motion filed by the OCC is untimely, does not comport with the Commission's rules and will unduly delay and prolong the case.

Columbia filed its Notice of Intent to File and Application to Adjust Rider IRP and Rider DSM Rates on November 25, 2013 and filed its Application requesting an increase in Rider IRP and Rider DSM rates effective May 1, 2014. On March 7, 2014, the Attorney Examiner in this case issued an Entry setting forth a procedural scheduled, which in part, required all motions for intervention to be filed by March 28, 2014 as well as all comments to be filed by the same date. The Ohio Partners for Affordable Energy ("OPAE") timely filed for and was granted intervention. Commission Staff issued comments on March 28, 2014 and OPAE notified the Commission that it would not be filing comments. The Parties and Staff met on April 1, 2014 and reached a settlement in principle and Columbia notified the Attorney Examiner of the settlement on April 2, 2014.

On April 3, 2014 – 6 days after the deadline to intervene, the OCC filed a Motion to Intervene in this case. The OCC did not provide an explanation for its untimeliness and did not identify any specific issues of concern in its filing. Columbia has since reached out to the OCC and has provided them with information as requested.

The OCC's Motion Should be Denied Because it is Untimely and Does Not Comport with the Commission's Rules

OAC 4901-1-11(F) states "an untimely motion to intervene will be granted only under extraordinary circumstances." As noted above, OCC has failed to show extraordinary circumstances in filing its motion 6 days after the deadline, and after all

parties of record had reached a settlement in principle. In fact, OCC does not even acknowledge in its motion that its request for intervention is untimely, let alone show extraordinary circumstances in filing out of time.

This Commission has denied OCC intervention in cases where the motion to intervene was untimely filed. In Case No. 10-911-EL-REN, the Commission denied OCC's Motion for Leave to File for Intervention, even though the OCC attempted to show extraordinary circumstances. Here, OCC does not even attempt to show extraordinary circumstances, or even ask for leave to file out of time. As such, the Motion to Intervene should be denied.

The OCC's Motion Should Be Denied Because Intervention Will Unduly Delay and Prolong the Case.

R.C. 4903.221(B) requires the Commission to consider several factors when ruling on intervention. One of the factors the Commission must consider is "whether intervention by the prospective intervenor will unduly prolong or delay the proceeding." R.C. 4903.221(B)(4). In accordance with the procedural schedule issued by the hearing examiner, the parties of record met and reached a settlement in principal and informed the hearing examiner of settlement on April 2, 2014. The parties of record have agreed on stipulation language and Columbia has begun preparing testimony in support of the stipulation which is due April 9, 2014. Further, the hearing is scheduled for April 11, 2014. The OCC has known about this proceeding since Columbia filed its Notice of Intent on November 25, 2013 yet has waited until all of the parties have settled before filing its motion for intervention. Allowing the OCC to participate this late in the process will only delay the proceedings. Therefore, intervention should be denied.

For the all of the reasons stated above, Columbia respectfully requests that the Commission deny the OCC's Motion to Intervene.

Respectfully submitted,

COLUMBIA GAS OF OHIO, INC.

By: /s/ Brooke E. Leslie

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the Memorandum in Opposition was served on all parties via email on April 4, 2014.

/s/ Brooke E. Leslie

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Summary: Memorandum in Opposition to Ohio Consumers' Counsel's Motion to Intervene electronically filed by Cheryl A MacDonald on behalf of Columbia Gas of Ohio, Inc.