

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of)	
Columbia Gas of Ohio, Inc., For)	Case No. 17-1005-GA-ATA
Authority to Revise its Tariffs.)	

**MOTION TO INTERVENE BY
GERMAN VILLAGE SOCIETY, INC.**

The German Village Society, Incorporated, hereby moves, pursuant to Ohio Revised Code §4903.221 and Ohio Administrative Code (“Ohio Adm. Code”) Rule 4901-1-11, to intervene in the above-captioned proceeding for the reasons set forth in the attached Memorandum in Support.

Respectfully submitted on behalf of:

German Village Society, Incorporated

/s/Christopher J. Allwein

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MEMORANDUM IN SUPPORT

I. Introduction

The German Village Society, Inc., (“Society” or “GVS”) seeks to intervene in this case, where Columbia Gas of Ohio (“Columbia” or “Company”) has proposed revisions to and submitted portions of its tariff for review and approval by the Public Utilities Commission of Ohio (“PUCO” or “Commission”). Specifically, Columbia proposes to amend Section IV of its Rules and Regulations for Furnishing Gas Service, Tariff Sheet Nos. 13 and 14. The stated reason for these proposed amendments is in order to “conform to regulations recently enacted by the Pipeline and Hazardous Materials Safety Administration (“PHMSA”).”¹ The changes are to make “provision for the installation of an excess flow valve.”²

GVS has several interests in this case. First, the application is deficient; all required exhibits were not included and some language is missing; second, the filing does not provide the clarity needed for any interested party to properly evaluate what an excess flow valve (“EFV”) does, why it may be utilized and why a customer would request it or pay for it. As customers of Columbia Gas, GVS is intervening in this case in order to 1. Seek the information missing from Columbia’s filing; 2. Understand how the excess flow valve will be deployed in places like German

¹ Columbia Application at 1 (April 13, 2017).

² *Id.*

Village, which is currently in the midst of receiving infrastructure upgrades that may include the installation of EFVs; and, 3. Propose additional tariff language to address infrastructure upgrades in historic districts.

These and other issues, which are a part of this proceeding, may directly impact GVS and its members' interests in infrastructure upgrades currently pending in their communities, and specifically how such equipment and associated infrastructure plans will affect their communities in terms of cost and how the installation of such equipment will affect historic districts. GVS has a direct interest in ensuring that such equipment and associated infrastructure do not impact negatively community efforts to maintain the historic character of their district. As such, GVS is entitled to intervene in this proceeding.

II. Legal Standard

Ohio law provides that a party may intervene in a Commission proceeding if that party “may be adversely affected by a public utilities commission proceeding.”³ To determine whether a party may be adversely affected for purposes of intervention, the Commission evaluates:

- (1) The nature and extent of the prospective intervenor's interest;
- (2) The legal position advanced by the prospective intervenor and its probable relation to the merits of the case;
- (3) Whether the intervention by the prospective intervenor will unduly prolong or delay the proceedings;
- (4) Whether the prospective intervenor will significantly contribute to full development and equitable resolution of the factual issues.⁴

³ R.C. 4903.221.

⁴ R.C. 4903.221(B).

The Commission's rules similarly provide that any person may intervene where "[t]he person has a real and substantial interest in the proceeding."⁵ The PUCO regulations set forth the same four standards that are established in Ohio Revised Code 4903.221(B) for determining whether a party may be "adversely affected," and also purport to add a fifth factor regarding "the extent to which the person's interest is represented by existing parties."⁶ As the Ohio Supreme Court has held, intervention in Commission proceedings "ought to be liberally allowed so that the positions of all persons with a real and substantial interest in the proceedings can be considered by the [Commission]."⁷ The Commission has consistently maintained a policy to "encourage the broadest possible participation" in its proceedings.⁸

III. The German Village Society is entitled to intervene under §4903.221 because GVS and its members "may be adversely affected" by the outcome of this proceeding.

GVS easily satisfies these liberal intervention standards and respectfully requests that its intervention be granted in this case. GVS satisfies each of the four statutory factors demonstrating that GVS and its members "may be adversely affected" by the outcome. First, the nature and extent of GVS' interests in the proceeding are real and substantial, as the issues involved are directly related to and may affect GVS' efforts to maintain the legacy of their historic community upon commencement of certain upgrades. German Village Society is a non-profit organization dedicated to preserving the legacy of historic German Village. Since 1974, German Village has been listed on the National Register of Historic Places. German Village was

⁵ Ohio Adm. Code 4901-1-11(A)(2).

⁶ Ohio Adm. Code 4901-1-11(B).

⁷ *Ohio Consumers' Counsel v. Pub. Util Com'n of Ohio* (2006), 111 Ohio St. 3d 384, 388, 2006 Ohio 5853, 856 N.E.2d 940.

⁸ See e.g. *In the Matter of the Application of The Dayton Power and Light Company*, 2009 WL 322883 at 1, Ohio PUC February 5, 2009 (Commission granted motion to intervene in light of policy to encourage participation, despite party's failure to file within the deadline).

recognized locally by the City of Columbus as a Historic District in 1960. The GVS has 994 members. For more than five decades, the GVS has advocated for historic preservation, providing source material, education and community events to promote German Village.

The GVS recently engaged in discussions with Columbia regarding their distribution infrastructure upgrades with PUCO Staff. EFVs were part of these discussions. GVS reviewed this application primarily to find out more about this piece of equipment and how Columbia specifically may utilize it, but could not find a description of the new equipment as required (Exhibit C-1(b) requires a picture or brochure of new equipment. An EFV is a piece of infrastructure equipment), and in at least one case a description of the utilization of the EFVs remain unfinished (See the indented paragraph in Exhibit C-2, which ends with "...not being newly installed replaced...."). Due to the incomplete nature of this statement, it is unclear when EFVs will be installed.

In addition, as part of these PUCO discussions, GVS discussed potential changes in a portion of GVS's tariff. Since Columbia has proposed changes to its tariff language, this proceeding is certainly an appropriate vehicle to submit additional tariff changes sought by GVS for Commission approval.

The positions advanced by GVS will bear directly on the merits of this proceeding. Even after engaging in discussions with Columbia, GVS would like to understand how this piece of equipment will be utilized and affect the infrastructure upgrades in their community by seeking clarification and additional information that appears to be missing from the application. Second, GVS intervention will not unduly prolong or delay this proceeding, as GVS' intervention is timely

filed⁹ and GVS is able to comply with all case management deadlines established by the Commission and/or agreed to by the parties.

Third, intervention by GVS will significantly contribute to the full development of the record in this proceeding. GVS is now familiar with PUCO proceedings and is represented by experienced, able counsel. As such, GVS should be permitted to intervene pursuant to Ohio Revised Code §4903.221.

IV. GVS may intervene because it has a “real and substantial interest” in the proceeding under Ohio Administrative Code 4901-1-11(B).

GVS may also intervene in this proceeding because it satisfies each of the five factors listed in the PUCO rules demonstrating that GVS has a “real and substantial interest” in the proceeding. The first four factors are identical to those set forth under §4903.221(B) and therefore, GVS should be permitted to intervene for the same reasons as set forth in Section III above. As for the fifth factor, the interests of GVS in this proceeding will not be fully represented by other parties, because there are no other parties as of May 25, 2017, and thus no other party would adequately represent GVS’ interest as a non-profit entity interested and well-versed in historic preservation.

V. Conclusion

GVS meets the intervention criteria of Section 4903.221 and satisfies the standards set forth in the Commission's rule for intervention contained in Ohio Administrative Code Rule 4901-1-11, including that its motion is timely and is made by a person with a real and substantial

⁹ No procedural schedule or other action has yet been issued by the Attorney-Examiner or other PUCO Staff in this case.

interest in the outcome of this proceeding. For the foregoing reasons, German Village Society, Incorporated, respectfully requests that the Commission grant its motion to intervene.

Respectfully submitted on behalf of:

GERMAN VILLAGE SOCIETY, INCORPORATED

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Motion and Memorandum in Support were delivered via electronic mail on this 25th day of May, 2017, to the following parties:

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This foregoing document was electronically filed with the Public Utilities

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5/25/2017 4:30:15 PM

in

Case No(s). 17-1005-GA-ATA

Summary: Motion to Intervene electronically filed by Mr. Christopher J. Allwein on behalf of German Village Society, Inc.