

In the Matter of the Application of The )  
East Ohio Gas Company d/b/a Dominion )  
Energy Ohio to Adjust its Pipeline ) Case No. 18-1587-GA-RDR  
Infrastructure Replacement Program Cost )  
Recovery Charge and Related Matters. )

The Office of the Ohio Consumers' Counsel ("OCC") moves to intervene<sup>1</sup> on behalf of residential consumers in this case where Dominion Energy Ohio ("Dominion" or "Utility") seeks a 17% increase (nearly three times what it requested last year)<sup>2</sup> in the amount it charges customers for pipeline replacement through its Pipeline Infrastructure Replacement ("PIR" or "Pipeline Replacement") charge. Under Dominion's proposal, 1.1 million residential customers would each pay \$143.76 per year in Pipeline Replacement charges.<sup>3</sup> The reasons the Public Utilities Commission of Ohio ("PUCO") should grant OCC's Motion are further set forth in the attached memorandum in support.

<sup>3</sup> See *Notice of Intent of The East Ohio Gas Company dba Dominion Energy Ohio to File an Application to Adjust Pipeline Infrastructure Replacement Program Cost Recovery* (Nov. 30, 2018) (the “Pre-Filing Notice”)(showing increase in monthly charge from \$10.23 to \$11.98);

Respectfully submitted,

Bruce Weston (0016973)  
Ohio Consumers' Counsel

/s/ Ambrosia E. Logsdon  
Ambrosia E. Logsdon (0096598)  
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**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

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**MEMORANDUM IN SUPPORT**

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Dominion seeks to increase the amount it charges consumers for pipeline replacement through its PIR charge. Pursuant to R.C. Chapter 4911, OCC has authority under law to represent the interests of the 1.1 million residential utility customers of Dominion.

R.C. 4903.221 provides, in part, that any person “who may be adversely affected” by a PUCO proceeding is entitled to seek intervention in that proceeding. The interests of Ohio’s residential customers may be “adversely affected” by this case, especially if the customers were unrepresented in a proceeding that would increase the rates they pay for Dominion’s pipeline infrastructure replacement. Thus, this element of the intervention standard in R.C. 4903.221 is satisfied.

R.C. 4903.221(B) requires the PUCO to consider the following criteria in ruling on motions to intervene:

- (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 proceeding; and
- (4) Whether the prospective intervenor will significantly contribute to the

full development and equitable resolution of the factual issues.

First, the nature and extent of OCC's interest is representing the residential customers of Dominion in this case involving the charge to residential customers for pipeline infrastructure replacement. This interest is different than that of any other party and especially different than that of the utility whose advocacy includes the financial interest of stockholders.

Second, OCC's advocacy for residential customers will include advancing the position that rates should be no more than what is reasonable and lawful under Ohio law, for service that is adequate under Ohio law. OCC's position will also include (but is not limited to) ensuring when rates are established that customers receive the benefits of lower corporate tax rates resulting from the Tax Cuts and Jobs Act (TCJA).<sup>4</sup> Tariffs should include language that rates are subject to reconciliation and refund.<sup>5</sup> OCC's position is therefore directly related to the merits of this case pending before the PUCO, the authority with regulatory control of public utilities' rates and service quality in Ohio.

Third, OCC's intervention will not unduly prolong or delay the proceedings. OCC, with its longstanding expertise and experience in PUCO proceedings, will allow for efficient processing of the case with consideration of the public interest.

Fourth, OCC's intervention will significantly contribute to the full development and equitable resolution of the factual issues. OCC will obtain and develop information that the PUCO should consider for equitably and lawfully deciding the case in the public interest.

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<sup>4</sup> See Tax Cuts and Jobs Act of 2017, Public Law No. 115-97.

<sup>5</sup> *Id.*

OCC also satisfies the intervention criteria in the Ohio Administrative Code (which are subordinate to the criteria that OCC satisfies in the Ohio Revised Code). To intervene, a party should have a “real and substantial interest” according to Ohio Adm. Code 4901-1-11(A)(2). As the advocate for residential utility customers, OCC has a very real and substantial interest in this case regarding Dominion’s charges to consumers for infrastructure replacement.

In addition, OCC meets the criteria of Ohio Adm. Code 4901-1-11(B)(1)-(4). These criteria mirror the statutory criteria in R.C. 4903.221(B) that OCC already has addressed and that OCC satisfies.

Ohio Adm. Code 4901-1-11(B)(5) states that the PUCO shall consider “The extent to which the person’s interest is represented by existing parties.” While OCC does not concede the lawfulness of this criterion, OCC satisfies this criterion in that it uniquely has been designated as the state representative of the interests of Ohio’s residential utility customers. That interest is different from, and not represented by, any other entity in Ohio.

Moreover, the Supreme Court of Ohio confirmed OCC’s right to intervene in PUCO proceedings, in deciding two appeals in which OCC claimed the PUCO erred by denying its interventions. The Court found that the PUCO abused its discretion in denying OCC’s interventions and that OCC should have been granted intervention in both proceedings.<sup>6</sup>

OCC meets the criteria set forth in R.C. 4903.221, Ohio Adm. Code 4901-1-11, and the precedent established by the Supreme Court of Ohio for intervention. On behalf

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<sup>6</sup> See *Ohio Consumers’ Counsel v. Pub. Util. Comm.*, 111 Ohio St.3d 384, 2006-Ohio-5853, ¶¶13-20.

of Ohio residential customers, the PUCO should grant OCC's Motion to Intervene.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of this Motion to Intervene was served on the persons stated below via electronic transmission, this 3rd day of January 2019.

/s/ Ambrosia E. Logsdon

Ambrosia E Logsdon

Assistant Consumers' Counsel

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Summary: Motion Motion to Intervene by The Office of the Ohio Consumers' Counsel  
electronically filed by Ms. Jamie Williams on behalf of Ms. Ambrosia Logsdon