

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Annual Application of)
Columbia Gas of Ohio, Inc. for) Case No. 19-1940-GA-RDR
Adjustment to Rider IRP and Rider DSM)
Rates.)

**MOTION TO INTERVENE BY
THE ENVIRONMENTAL LAW & POLICY CENTER**

Pursuant to Ohio Revised Code 4903.221 and Ohio Administrative Code 4901-1-11, the Environmental Law & Policy Center (“ELPC”) respectfully moves to intervene in the above-captioned proceeding. As explained in the attached Memorandum in Support, ELPC has a real and substantial interest in this case, in which Columbia Gas of Ohio, Inc. (“Columbia”) asks the Public Utilities Commission of Ohio (“Commission”) to adjust the rates of its Infrastructure Replacement Program (“IRP”) rider and Demand Side Management (“DSM”) rider. ELPC’s interests are not adequately represented by any other party to this matter, and its participation in this proceeding will contribute to a just and expeditious resolution of the issues and questions. Further, ELPC’s participation will not unduly delay the proceedings or prejudice any other party.

ELPC respectfully requests this Commission grant its motion to intervene for these reasons and those set forth in more detail in the attached Memorandum in Support.

March 10, 2020

Respectfully submitted,

/s/ Caroline Cox
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**MEMORANDUM IN SUPPORT OF THE MOTION TO INTERVENE BY
THE ENVIRONMENTAL LAW & POLICY CENTER**

Ohio Revised Code 4903.221 states that “[a]ny other person who may be adversely affected by a public utilities commission proceeding may intervene in such proceeding” provided the Public Utilities Commission of Ohio (“Commission”) makes certain determinations. The Environmental Law & Policy Center (“ELPC”) is a non-profit environmental advocacy organization whose mission is to improve the Midwest’s environmental quality and economic development. ELPC is an advocate for both environmental health and sustainable economic development. As a regional organization with a presence and members in Ohio, ELPC and its members may be adversely affected by the outcome of this proceeding, and their interests are not adequately represented by the other parties.

Ohio Revised Code 4903.221 requires the Commission to consider four factors when presented with a motion to intervene. Pursuant to R.C. 4903.221, the Commission must consider:

- (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; [and]
- (4) Whether the prospective intervenor will significantly contribute to full development and equitable resolution of the factual issues.

OHIO REV. CODE § 4903.221(B). ELPC’s motion meets all of the factors required by statute.

With respect to the first factor, ELPC has a substantial interest in Columbia's demand-side management ("DSM") programs. ELPC has an interest in ensuring the protection and promotion of cost-effective energy efficiency in the state to reduce energy consumption and produce corresponding environmental benefits. Moreover, ELPC has members in Ohio, and its work includes Ohio energy and environmental issues. ELPC participated in Columbia's prior DSM proceedings, Case Nos. 18-1701-GA-RDR and 16-1309-GA-UNC, and the energy efficiency proceedings for another Ohio gas utility, Vectren Energy Delivery of Ohio, Case Nos. 18-298-GA-AIR and 19-2084-GA-UNC, as well as cases regarding similar programs for electric utilities with territories that overlap with Columbia's service territory.

As to the second factor, because of the potential impacts on ELPC and its Ohio members, ELPC seeks the Commission's careful scrutiny of the reasonableness of Columbia's proposed programs to ensure their effectiveness and benefits.

Under the third factor, ELPC's inclusion will not unduly delay or prolong the proceeding. ELPC is timely filing this motion to intervene according to the Commission's scheduling order.

Finally, ELPC will significantly contribute to the full development and resolution of the proceeding by bringing its unique perspective to bear. ELPC has expertise and experience throughout the Midwest regarding clean energy policy that will contribute to resolving the pending issues. ELPC has participated in multiple proceedings in Ohio as well as other states regarding energy efficiency programs.

Similarly, ELPC meets the requirements set forth in the Commission's procedural rules. Ohio Administrative Code 4901-11-1(B) provides that the Commission shall consider five factors when weighing a motion 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 proceedings;
- (4) Whether the prospective intervenor will significantly contribute to full development and equitable resolution of the factual issues; [and]
- (5) The extent to which the person's interest is represented by existing parties.

OHIO ADM. CODE 4901-11-1. The first four factors mirror those in R.C. 4903.221, and for the same reasons as stated above, ELPC meets those factors. As to the fifth, ELPC maintains that no other party can adequately represent its interests as a regional environmental advocacy organization that also focuses on energy efficiency and "green" economic development, including new manufacturing and job creation.

Finally, this Commission's policy is to "encourage the broadest possible participation in its proceedings." *Cleveland Elec. Illum. Co.*, Case No. 85-675-EL-AIR, Entry at 2 (January 14, 1986). ELPC's inclusion in this proceeding will contribute to this policy goal.

Because ELPC meets the criteria set forth in both R.C. 4903.221 and Ohio Adm. Code 4901-11-1, it respectfully asks this Commission to grant its motion to intervene in the above-captioned proceedings.

Respectfully submitted,

/s/ Caroline Cox
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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing Motion to Intervene submitted on behalf of the Environmental Law & Policy Center was filed electronically through the Docketing Information System of the Public Utilities Commission of Ohio on March 10, 2020. The PUCO's e-filing system will electronically serve notice of the filing of this document on counsel for all parties.

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in

Case No(s). 19-1940-GA-RDR

Summary: Motion to Intervene, Memorandum in Support of the Motion to Intervene, and Certificate of Service electronically filed by Ms. Caroline Cox on behalf of Environmental Law and Policy Center