

**BEFORE THE  
PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Commission's	)	
Investigation of the Proposed Rates	)	Case No. 20-1613-PL-COI
and Charges of Cobra Pipeline	)	
Company, Ltd.	)	

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**MOTION TO INTERVENE OF NORTHEAST OHIO NATURAL GAS CORP.**

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Pursuant to Ohio Revised Code § 4903.221 and Ohio Administrative Code (“O.A.C.”) 4901-1-11, Northeast Ohio Natural Gas Corp. (“NEO”) hereby moves to intervene in the above-captioned case. NEO has real and substantial interests in this proceeding and its interests, which may be prejudiced by the results of this proceeding, are not adequately represented by existing parties. Thus, as set forth more fully in the attached memorandum in support, NEO respectfully requests that the Commission grant this timely request to intervene.

Respectfully submitted,

/s/ N. Trevor Alexander

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**MEMORANDUM IN SUPPORT OF THE MOTION TO INTERVENE  
OF NORTHEAST OHIO NATURAL GAS CORP.**

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**I. Introduction**

On October 21, 2020, the Commission opened this investigation into Cobra Pipeline Company, Ltd. (“Cobra”) after Cobra filed a proposed tariff on September 18, 2020 without seeking the Commission’s acceptance of its proposed tariff and, instead, attempted to implement the tariff effective November 1, 2020 without any notice to customers or review by the Commission. Northeast Ohio Natural Gas Corp. (“NEO”) distributes natural gas to over 30,000 customers in Ohio and receives natural gas transportation service from Cobra under the terms of Cobra’s tariff and, as such, NEO has real and substantial interests in this proceeding. The Commission’s disposition of this proceeding may impair or impede NEO’s ability to protect those interests. Thus, NEO respectfully requests that the Commission grant its Motion to Intervene in the above-captioned case.

**II. Legal Standard**

R.C. § 4903.221 provides that any “person who may be adversely affected by a public utilities commission proceeding” may intervene in the proceeding. The Commission’s rules reinforce the right to intervene:

Upon timely motion, any person *shall be* permitted to intervene in a proceeding upon a showing that . . . [t]he person has a real and substantial interest in the

proceeding, and the person is so situated that the disposition of the proceeding may, as a practical matter, impair or impede his or her ability to protect that interest, unless the person's interest is adequately represented by existing parties.

O.A.C. 4901-1-11(A) (emphasis added). “The regulation’s text is very similar to Civ. R. 24 – the rule governing intervention in civil cases in Ohio – which is generally liberally construed in favor of intervention.” *Ohio Consumers’ Counsel v. Pub. Util. Comm.*, 111 Ohio St.3d 384, 387 (2006) (internal quotations omitted). In considering a motion to intervene, the Commission’s rule directs that the Commission should consider: the nature and extent of the intervenor’s interest; the legal position advanced by the intervenor and its probable relation to the merits of the case; whether intervention will unduly prolong or delay the proceedings; whether the intervenor will significantly contribute to full development and equitable resolution of the factual issues; and the extent to which the intervenor’s interest is represented by existing parties. *See* OAC 4901-1-11(B)(1)–(5); *see also* R.C. § 4903.221(B)(1)–(4). NEO’s Motion satisfies each of these factors.

### **III. Argument**

#### **A. The Nature And Extent Of NEO’s Interests**

NEO is directly affected by this proceeding as NEO distributes natural gas to over 30,000 customers in Ohio and receives natural gas transportation service from Cobra under the terms of Cobra’s tariff. As such, NEO has a substantial interest in the outcome of this proceeding and in ensuring that the rates and charges imposed on customers are established appropriately. That interest cannot be represented by any other party to this proceeding, as no other party represents NEO’s interests as a recipient of natural gas transportation service from Cobra.

The issues in this case include, among other things, whether Cobra’s proposed rates and charges are in accordance with R.C. Chapter 4909 and 4905.26. Those issues will have a material impact on all of Cobra’s customers.

**B. The Legal Position Asserted By NEO**

NEO anticipates addressing R.C. Chapter 4909 in this proceeding. Among other things, NEO anticipates discussing whether Cobra’s proposed rates and charges are unjust and unreasonable. NEO also anticipates examining any other rate-related issues that arise upon Cobra’s filing of a rate application and supporting information as directed by the Commission.<sup>1</sup>

**C. NEO’s Intervention Will Not Unduly Prolong Or Delay The Proceeding**

The Commission opened this investigation on October 21, 2020.<sup>2</sup> The Attorney Examiner has not established a deadline for intervention. Thus, NEO’s Motion is timely and will not prejudice any existing parties or unduly prolong or delay the proceedings.<sup>3</sup>

**D. NEO Will Contribute To The Full Development Of Factual Issues And NEO’s Interests Are Not Already Represented By Existing Parties**

NEO distributes natural gas to over 30,000 customers in Ohio and receives natural gas transportation service from Cobra under the terms of Cobra’s tariff, and as a result is uniquely situated to contribute to the full development of factual issues in this case. NEO has substantial experience in Commission proceedings, experience which may benefit the Commission’s investigation.<sup>4</sup> NEO’s participation will significantly contribute to the full development and resolution of the issues in this proceeding. NEO’s interests are not already represented by existing parties, as no other party currently involved in this proceeding represents NEO’s interests as a recipient of natural gas transportation service from Cobra.

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<sup>1</sup> See Entry, ¶ 23 (Oct. 21, 2020).

<sup>2</sup> See Entry (Oct. 21, 2020).

<sup>3</sup> See O.A.C. 4901-1-11(E) (providing that a motion to intervene “will not be considered timely if it is filed later than five days prior to the scheduled date of hearing or any specific deadline established by order of the commission for purposes of a particular proceeding”).

<sup>4</sup> See, e.g., Case No. 16-1725-PL-AIR; Case No. 18-1722-GA-ALT; Case No. 20-1427-GA-ALT; Case No. 20-1597-GA-CSS.

#### IV. Conclusion

WHEREFORE, NEO respectfully requests that the Commission grant this Motion to Intervene and allow NEO to be made a party of record to this proceeding.

Respectfully submitted,

/s/ N. Trevor Alexander

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#### **CERTIFICATE OF SERVICE**

I certify that the foregoing was filed electronically through the Docketing Information System of the Public Utilities Commission of Ohio on this 25th day of November, 2020. The PUCO's e-filing system will electronically serve notice of the filing of this document on counsel for all parties.

/s/ N. Trevor Alexander

One of the Attorneys for Northeast Ohio  
Natural Gas Corp.

**This foregoing document was electronically filed with the Public Utilities**

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Summary: Motion Motion to Intervene of Northeast Ohio Natural Gas Corp. electronically filed by Ms. Kari D Hehmeyer on behalf of Northeast Ohio Natural Gas Corp. and Alexander, Trevor Mr.