**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

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| In the Matter of the Application of Vectren Energy Delivery of Ohio LLC dba CenterPoint Energy for Approval of an Increase in Gas Rates.In the Matter of the Application of Vectren Energy Delivery of Ohio, LLC dba CenterPoint Energy Ohio for Approval of an Alternative Rate Plan.In the Matter of the Application of Vectren Energy Delivery of Ohio, LLC dba CenterPoint Energy Ohio for Approval to Change Accounting Methods.In the Matter of the Application of Vectren Energy Delivery of Ohio, LLC dba CenterPoint Energy Ohio for Approval of Tariff Revisions. | ))))))))))))))))) | Case No. 24-0832-GA-AIRCase No. 24-0833-GA-ALTCase No. 24-0834-GA-AAMCase No. 24-0835-GA-ATA |

**MOTION TO INTERVENE**

**BY**

**OFFICE OF THE OHIO CONSUMERS’ COUNSEL**

The Office of the Ohio Consumers’ Counsel (“OCC”) moves to intervene[[1]](#footnote-2) in this case where Vectren Energy Delivery of Ohio LLC dba CenterPoint Energy Ohio (“CenterPoint”) is seeking to increase charges to its 333,000 consumers for natural gas distribution service.[[2]](#footnote-3) According to CenterPoint’s filing, it is asking to increase monthly charges and fixed riders from $55.03 to $78.01. That is an increase of over 40%. CenterPoint is also seeking various changes to its accounting methods and tariffs.[[3]](#footnote-4)

OCC is filing on behalf of the approximately 333,000 utility consumers of CenterPoint, from whom the rate increase is sought. The reasons the Public Utilities Commission of Ohio (“PUCO”) should grant OCC’s motion are further set forth in the attached memorandum in support.

Respectfully submitted,

Maureen R. Willis (0020847)

Ohio Consumers’ Counsel

*/s/ William J. Michael*

William J. Michael (0070921)

Counsel of Record

John B. Steinhart (0099554)

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John Varanese (0044176)

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(willing to accept service by e-mail)

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**MEMORANDUM IN SUPPORT**

OCC moves to intervene[[4]](#footnote-5) to advocate for CenterPoint’s residential consumers. This is a case about CenterPoint seeking to increase the rates and charges to its 333,000 consumers.[[5]](#footnote-6) According to CenterPoint’s filing, it is asking to increase monthly charges and fixed riders from $55.03 to $78.01. That is an increase of over 40%. CenterPoint is also seeking various changes to its accounting methods and tariffs.[[6]](#footnote-7)

The last time CenterPoint’s rates were examined was 2018.[[7]](#footnote-8)

OCC has authority under R.C. Chapter 4911 to represent the interests of the more than 333,000 consumers of CenterPoint who will be affected by CenterPoint’s proposed rate increases.

R.C. 4903.221 provides the standard for permissive intervention—where the PUCO may exercise discretion in ruling upon a party’s motion to intervene. That law 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 CenterPoint’s residential consumers may be “adversely affected” by this case, especially if the consumers were unrepresented in a proceeding where CenterPoint seeks to substantially increase its rates for distribution service. Thus, this element of the permissive 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 permissive intervention:

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 consumers involving CenterPoint’s proposed rate increases and alternative rate plan. This interest is different from that of any other party, and especially different than that of CenterPoint, whose advocacy includes the financial interest of its shareholders.

Second, OCC’s advocacy for residential consumers will include, among other things, advocating that they should be charged no more than just and reasonable rates for adequate, reliable service.[[8]](#footnote-9) OCC’s position is therefore directly related to the merits of this case, which is 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.

Delay in and of itself does not mean that intervention should be denied. The key

consideration is whether the intervention will cause “undue delay.” Here OCC’s intervention will not cause undue delay.

OCC has promptly sought leave to intervene. CenterPoint’s prefiling notification was filed on August 27, 2024. The case has not progressed beyond the filing of the prefiling notification.

OCC will attempt to avoid duplicative discovery in the proceeding. The issues OCC will raise fall clearly within the scope of the proceeding, which includes whether CenterPoint’s proposed rate increase and alternative rate plan results in just and reasonable rates for adequate, reliable service.[[9]](#footnote-10) In addition, OCC will also use its best efforts to comply with any procedural schedule that the PUCO may adopt for this proceeding. This will allow full development of the record upon which the PUCO can make a decision in consumers’ interest.

Further, OCC, with its longstanding expertise and experience in PUCO proceedings and consumer protection advocacy, will duly allow for the efficient processing of the case with consideration of the public interest. OCC regularly intervenes

and participates in base rate cases and alternative rate plans.[[10]](#footnote-11) OCC intervened in and participated in CenterPoint’s last rate case. There will be no prejudice to the PUCO Staff or CenterPoint in granting OCC intervention.

Fourth, OCC’s intervention will significantly contribute to full development and equitable resolution of the factual issues. OCC will examine issues fully and carefully. No other party is solely focused on the needs of residential consumers and thus, there can be no equitable resolution of the issues in this case absent OCC’s participation.

OCC also satisfies the intervention criteria in O.A.C. 4901-1-11(A) which sets the standard for *intervention as of right*, mirroring Ohio Civil Rule 24(A). Under O.A.C.

4901:1-11(A)(2), a person shall be granted intervention as of right if it has a real and substantial interest in a proceeding and is “so situated that 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.”

As the statutory advocate for residential utility consumers, OCC has a very real and substantial interest in this case. CenterPoint’s proposed rate increase and alternative rate plan will be paid by consumers. Disposition of this proceeding may, as a practical matter, impair or impede OCC’s ability to protect that interest where the interest is not adequately represented by existing parties—the PUCO Staff and CenterPoint. OCC should be granted intervention as of right under O.A.C. 4901-1-11(A)(2).

In addition, OCC meets the permissive intervention criteria of O.A.C. 4901-1- 11(B)(1)-(4). These criteria mirror the permissive intervention criteria in R.C. 4903.221(B) that OCC already has addressed, and that OCC satisfies.

O.A.C. 4901-1-11(B)(5) states that the PUCO shall consider “(t)he 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 has been uniquely designated as the state representative of the interests of Ohio’s residential utility consumers. OCC’s 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.[[11]](#footnote-12)

OCC meets the criteria set forth in R.C. 4903.221, O.A.C. 4901-1-11, and the precedent established by the Supreme Court of Ohio for intervention. On behalf of Ohio residential consumers, the PUCO should grant OCC’s Motion to Intervene.

Respectfully submitted,

Maureen R. Willis (0020847)

Ohio Consumers’ Counsel

*/s/ William J. Michael*

William J. Michael (0070921)

Counsel of Record

John B. Steinhart (0099554)

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(willing to accept service by e-mail)

**CERTIFICATE OF SERVICE**

 I hereby certify that a copy of the foregoing Motion to Intervene has been served electronically upon those persons listed below this 16th day of September 2024.

*/s/ William J. Michael*

William J. Michael

Assistant Consumers’ Counsel

The PUCO’s e-filing system will electronically serve notice of the filing of this document on the following parties:

**SERVICE LIST**

|  |  |
| --- | --- |
| Ambrosia.wilson@ohioAGO.govJanet.gregory@ohioAGO.govAshley.wnek@ohioAGO.govPatricia.schabo@puco.ohio.gov | kennedy@whitt-sturtevant.commpritchard@mcneeslaw.com |

1. *See* R.C. Chapter 4911, R.C. 4903.221 and O.A.C. 4901-1-11. [↑](#footnote-ref-2)
2. *See* Prefiling Notification at Exhibit 4. [↑](#footnote-ref-3)
3. Prefiling Notification at 1. [↑](#footnote-ref-4)
4. *See* R.C. Chapter 4911, R.C. 4903.221 and O.A.C. 4901-1-11. [↑](#footnote-ref-5)
5. *See* Prefiling Notification at Exhibit 4. [↑](#footnote-ref-6)
6. Prefiling Notification at 1. [↑](#footnote-ref-7)
7. *Id.* at Exhibit 2. [↑](#footnote-ref-8)
8. *See, e.g.,* R.C. 4905.22. [↑](#footnote-ref-9)
9. *See, e.g.,* R.C. 4905.22. [↑](#footnote-ref-10)
10. *See, e.g., In the Matter of the Application of the East Ohio Gas Company d/b/a Dominion Energy Ohio for Approval to Increase Natural Gas Rates,* Case No. 23-894-GA-AIR. [↑](#footnote-ref-11)
11. *See Ohio Consumers’ Counsel v. Pub. Util. Comm*., 111 Ohio St.3d 384, 2006-Ohio-5853, ¶¶ 13-20. [↑](#footnote-ref-12)