

In the Matter of the Commission's)
Investigation into Cobra Pipeline Co.,) Case No.14-1709-GA-COI
LTD and Related Matters)

The Office of the Ohio Consumers' Counsel ("OCC") moves to intervene in this case where the Public Utilities Commission of Ohio ("PUCO") will investigate the operation of Cobra Pipeline Company ("Cobra" or "Pipeline"). This is an important case for customers because it will address a potentially dangerous situation resulting from Cobra's unauthorized shut off of service interconnections with Orwell Natural Gas Company ("Orwell" or "the Utility") and The East Ohio Gas Company d/b/a Dominion East Ohio ("Dominion"). The investigation will review the management practices of Orwell and Cobra that were in place, and the circumstances when Cobra allegedly tampered with Orwell's utility equipment. OCC is filing on behalf of all the 7,500 residential utility customers of Orwell who could have been impacted by any alleged unauthorized tampering with the Utility's facilities. The alleged actions of shutting off service led to a drop in pressure in Orwell's pipeline from 40 psi to 16 psi.¹ A further drop in pressure could have caused pilot lights to be extinguished and those locations experiencing a build-up of natural gas which could have caused dangerous explosions if not handled properly.² The reasons the PUCO should grant OCC's Motion are further set forth in the attached Memorandum in Support.

² PUCO Staff Report at 4 (September 26, 2014)

Respectfully submitted,

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³ PUCO Staff Report at 4 (September 26, 2014).

Orwell's residential customers were unrepresented in an investigation that bears upon the safety of their gas service. As noted in the PUCO Staff Report dated September 26, 2014:

Shutting off the gas supply to this service main without the knowledge of Orwell is a potentially dangerous situation. It is possible for gas pressure to drop to a level where pilot lights would be extinguished, yet residual gas from the main could fill a building with gas to an explosive concentration.⁴

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 Orwell in this case involving the unauthorized tampering of Utility's facilities by Orwell's affiliate pipeline -- Cobra. The alleged tampering raises concerns about the health, welfare, and safety of Orwell's residential customers who could be impacted by such tampering and the potential danger of ensuing explosions.⁵ This

⁴ PUCO Staff Report at 4 (September 26, 2014).

⁵ PUCO Staff Report at 4 (September 26, 2014).

interest is different than that of any other party and especially different than that of the Utility or the Pipeline whose advocacy includes the financial interest of stockholders.

Second, OCC's advocacy for residential customers will include advancing the position that the Orwell and its affiliates must maintain appropriate controls to ensure that Orwell's residential customers are not negatively impacted by the actions of its affiliate pipeline. Specifically, OCC will advance positions to ensure that residential customers are protected from any unauthorized tampering of Utility facilities that could result in dangerous and potentially explosive situations. OCC's position is therefore directly related to the merits of this case that 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. OCC, with its longstanding expertise and experience in PUCO proceedings, including numerous recent proceedings involving Orwell, will duly allow for the 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.

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 where the PUCO will review issues that relate to

the safety of gas service being provided to residential customers. Tampering with gas supply could negatively impact the health, safety, and welfare of Orwell's residential utility customers.

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.⁶

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

⁶ See *Ohio Consumers' Counsel v. Pub. Util. Comm.*, 111 Ohio St.3d 384, 2006-Ohio-5853, ¶¶13-20.

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 7th day of November 2014.

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Summary: Motion Motion to Intervene by the Office of the Ohio Consumers' Counsel electronically filed by Patti Mallarnee on behalf of Serio, Joseph P.