

In the Matter of the Application of)
Columbia Gas of Ohio, Inc. for a Waiver) Case No. 16-653-GA-WVR
of Ohio Administrative Code Section)
4901:1-13-11(B))

The Office of the Ohio Consumers' Counsel ("OCC") moves to intervene in this case in which Columbia Gas of Ohio, Inc. ("Columbia") seeks a waiver of the requirement that it provide customers with information regarding the rate for the purchase of natural gas.¹ The Public Utilities Commission of Ohio (the "PUCO") should grant OCC's motion for the reasons set forth in the attached memorandum in support.

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¹ See R.C. Chapter 4911; R.C. 4903.221; Ohio Adm. Code 4901-1-11.

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The Ohio Administrative Code requires natural gas utilities, like Columbia, to include the "rate for purchase of gas or natural gas commodity, expressed in dollars and center per Mcf or Ccf" on customers' bills.² In this case, Columbia requests that it not be required to provide that information to customers.

² See Ohio Admin. Code 4901:1-13-11(B)(9).

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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 Columbia's residential consumers and ensuring that customers can make informed choices about the utility service they subscribe to. This interest is different from 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 consumers will include, among other things, ensuring that customers receive all information that they are entitled to under the PUCO rules. OCC will also represent customers to make sure that customers' bills remain accurate, clear, and understandable.⁴ 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. OCC, with its longstanding expertise and experience in PUCO proceedings, will duly allow for the efficient processing of the case with consideration of the public interest.

⁴ See Ohio Admin. Code 4901:1-13-11(B).

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." *See* Ohio Adm. Code 4901-1-11(A)(2). As the residential utility consumer advocate, OCC has a real and substantial interest in this case in which the PUCO must address whether Columbia is permitted to eliminate from customers' bills certain information that is required by the Ohio Administrative Code.

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), which OCC already has addressed and which 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." Although OCC does not concede that the PUCO must consider this factor, OCC satisfies it because OCC has been uniquely designated as the state representative of the interests of Ohio's residential utility consumers. That interest is different from, and not represented by, any other entity in Ohio.

Moreover, in deciding two consolidated appeals regarding OCC's right to intervene, the Supreme Court of Ohio has confirmed that "intervention ought to be

liberally allowed.”⁵ In those cases, OCC explained in its motion to intervene that the proceeding could negatively impact residential consumers, and OCC established that the interests of consumers would not be represented by existing parties.⁶ Because there was no evidence disputing OCC’s position, nor any evidence that OCC’s intervention would unduly delay the proceedings, the Supreme Court found that the PUCO could not deny OCC the right to intervene.⁷

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 consumers, the PUCO should grant OCC’s Motion to Intervene.

Respectfully submitted,

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⁵ See *Ohio Consumers’ Counsel v. Pub. Util. Comm.*, 111 Ohio St. 3d 384, 2006-Ohio-5853, ¶ 20 (2006).

⁶ *Id.* ¶¶ 18-20.

⁷ *Id.* ¶¶ 13-20.

CERTIFICATE OF SERVICE

I hereby certify that a copy of this motion to intervene was served on the persons stated below via electric transmission this 20th day of April 2016.

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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 Healey, Christopher Mr.