

In the Matter of the Application of)
Columbia Gas of Ohio, Inc. to Revise its) Case No. 16-2430-GA-ATA
Tariffs to Implement Immediate CHOICE)
Enrollment and CHOICE Pre-Pay.)

The Office of the Ohio Consumers' Counsel ("OCC") moves to intervene¹ to protect consumers in this case where Columbia Gas of Ohio, Inc. ("Columbia") is proposing changes in the way customers are enrolled for service from natural gas marketers ("Marketer"), and may be billed. It is believed that consumers have the best opportunity to save money while being served on COH's standard choice offer ("SCO" or "standard offer"). OCC is filing on behalf of Columbia's 1.3 million residential utility consumers to ensure they have access to timely and accurate information about natural gas service and pricing. The reasons the Public Utilities Commission of Ohio ("PUCO") should grant OCC's Motion are further set forth in the attached Memorandum in Support.

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

Respectfully submitted,

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³ *Id.*

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 Columbia in this case involving changes to how customers are signed up for natural gas service and make payments to marketers. This interest is different than 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 residential customers will include advancing the position that customers should have timely access to accurate natural gas service pricing information before receiving offers from Marketers. This is especially important information given that customers who have been served by Marketers have paid \$1.35 billion more than they would have paid had these customers been served on Columbia's standard offer service.⁴

⁴ *In the Matter of the Regulation of the Purchased Gas Adjustment Clauses Contained within the Rate Schedules of Duke Energy Ohio, Inc. and Related Matters*, Case No. 15-218-GA-GCR, Direct Testimony of Michael P. Haugh, MPH Exhibit 1 (Mar. 21, 2016) (showing the shadow billing data of Columbia's customers up to February 2016).

Further, OCC will also advocate that the customer enrollment process should ensure that these changes to how customers are signed up for service and make payments to Marketers do not violate Ohio law, PUCO rules and state policy on natural gas.⁵ 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, 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 which could modify the current enrollment process for customers to take natural gas service from a Marketer.

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.

⁵ See R.C. 4929.02.

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.

Respectfully submitted,

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

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 February, 2017.

/s/ Ajay Kumar

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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 Kumar, Ajay Mr.