

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In The Matter of the Application of Ohio Gas Company for an Increase in Gas Distribution Rates.	)	Case No. 17-1139-GA-AIR
In the Matter of the Application of Ohio Gas Company for Tariff Approval.	)	Case No. 17-1140-GA-ATA
In the Matter of the Application of Ohio Gas Company for Approval of Certain Accounting Authority.	)	Case No. 17-1141-GA-AAM

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**MOTION TO INTERVENE  
BY  
THE OFFICE OF THE OHIO CONSUMERS' COUNSEL**

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The Office of the Ohio Consumers' Counsel ("OCC") moves to intervene in this case where Ohio Gas Company ("Ohio Gas") seeks to increase the customer charge that its customers pay for monthly natural gas service from \$5.45 to \$10.91.<sup>1</sup> This \$5.46 adjustment represents a 100 percent increase to the monthly customer charge. OCC files this motion on behalf of Ohio Gas' 43,588 residential natural gas customers. The Public Utilities Commission of Ohio ("PUCO") should grant OCC's motion to intervene for the reasons set forth in the attached Memorandum in Support.

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<sup>1</sup> *In the Matter of the Application of Ohio Gas Company for an Increase in Gas Distribution Rates*, Case No. 17-1139-GA-AIR, PFN at Exhibit 4 (April 28, 2017).

Respectfully submitted,

BRUCE WESTON (0016973)  
OHIO CONSUMERS' COUNSEL

/s/ Kevin F. Moore

Kevin F. Moore (0089228)

Counsel of Record

Ajay Kumar (0092208)

Assistant Consumers' Counsel

**Office of the Ohio Consumers' Counsel**

10 West Broad Street, Suite 1800

Columbus, Ohio 43215-3485

Telephone: Moore (614) 387-2965

Telephone: Kumar (614) 466-1292

kevin.moore@occ.ohio.gov

ajay.kumar@occ.ohio.gov

(Both will accept service via email)

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**MEMORANDUM IN SUPPORT**

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On April 28, 2017, Ohio Gas filed a Notice of Intent to File an Application for an Increase in Rates. In its filing, Ohio Gas proposes to increase the customer charge that its customers pay for monthly natural gas service from \$5.45 to \$10.91.<sup>2</sup> This drastic \$5.46 adjustment represents a 100 percent increase to the monthly customer charge. OCC has authority under law to represent the interests of FirstEnergy's residential utility customers under R.C. Chapter 4911.

R.C. 4903.221 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 Ohio's residential customers may be "adversely affected" by this case, especially if the customers were unrepresented in a proceeding directly affecting the rates they pay for natural gas service. Thus, this element of the intervention standard in R.C. 4903.221 is satisfied.

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<sup>2</sup> *In the Matter of the Application of Ohio Gas Company for an Increase in Gas Distribution Rates*, Case No. 17-1139-GA-AIR, PFN at Exhibit 4 (April 28, 2017).

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 Ohio Gas in this case where Ohio Gas is proposing a drastic increase in its natural gas customer charge. OCC's 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 the rates that Ohio Gas' customers pay for natural gas service should be no more than what is reasonable and lawful under Ohio law, for service that is adequate under Ohio law. 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 involving the Utility's customer charge and base distribution rates, which affect the overall rates residential customers pay for electric service.

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." 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, 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."<sup>3</sup> 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.<sup>4</sup> 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.<sup>5</sup>

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,

BRUCE WESTON (0016973)  
OHIO CONSUMERS' COUNSEL

/s/ Kevin F. Moore  
Kevin F. Moore (0089228)  
Counsel of Record  
Ajay Kumar (0092208)  
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<sup>3</sup> See Ohio Consumers' Counsel v. Pub. Util. Comm., 111 Ohio St. 3d 384, 2006-Ohio-5853, ¶ 20 (2006).

<sup>4</sup> Id. ¶¶ 18-20.

<sup>5</sup> 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 electronic transmission, this 11<sup>th</sup> day of May 2017.

/s/ Kevin F. Moore

Kevin F. Moore

Assistant Consumers' Counsel

**SERVICE LIST**

Steven Beeler  
Robert Eubanks  
Public Utilities Commission of Ohio  
30 E. Broad St., 16<sup>th</sup> Fl.  
Columbus, OH 43215  
Steven.beeler@ohioattorneygeneral.gov  
Robert.eubanks@ohioattorneygeneral.gov

Frank P. Darr  
Matthew R. Pritchard  
McNees Wallace & Nurick, LLC  
21 East State Street, 17<sup>th</sup> Floor  
Columbus, OH 43215  
fdarr@mwncmh.com  
mpritchard@mwncmh.com

Attorney Examiners:

Sarah.parrot@puc.state.oh.us  
Patricia.schabo@puc.state.oh.us

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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 Moore, Kevin F. Mr.