

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Co-)
lumbia Gas of Ohio, Inc. For Authority to) Case No. 17-1005-GA-ATA
Revise its Tariffs.)

**COLUMBIA GAS OF OHIO, INC.'S MEMORANDUM CONTRA
GERMAN VILLAGE SOCIETY, INC.'S MOTION TO INTERVENE**

Pursuant to Rule 4901-1-12 of the Ohio Administrative Code, Columbia Gas of Ohio, Inc. ("Columbia") files this Memorandum Contra to the May 25, 2017 Motion to Intervene filed by German Village Society, Inc. ("GVS"). Columbia respectfully requests that the Public Utilities Commission of Ohio ("Commission") deny GVS' motion to intervene for the reasons detailed below.

I. Introduction

On April 13, 2017, Columbia filed a proposed Tariff change in this docket to incorporate provisions related to recently enacted rules by the Pipeline and Hazardous Materials Safety Administration ("PHMSA"). Specifically, the Tariff filing relates to the portion of the new PHMSA rules requiring natural gas utilities to offer to install an excess flow valve ("EFV") on specified existing service lines.¹

On May 25, 2017, GVS filed a Motion to Intervene in this case. GVS is the only party that moved to intervene in this Tariff change case. GVS claims it has several interests in this case, indicating that it intervened to seek information missing from COH's filing and to understand how EFVs will be deployed in places like German Village.² GVS also indicates it intervened "in order to ... 3. Propose additional Tariff language to address infrastructure upgrades in historic districts."³

¹ 49 CFR 192.383.

² Memorandum in Support at 2-3.

³ Memorandum in Support at 2-3.

Columbia opposes GVS' Motion to Intervene. The EFV information that GVS seeks is publicly available and has been since April 13, making intervention in this proceeding for information-gathering entirely unnecessary and untimely. And the additional tariff revisions that GVS seeks, relating to infrastructure upgrades in historic districts, is the true reason for GVS's intervention and have no relation to the purpose of this proceeding and would unnecessarily delay the approval of a legally required and otherwise uncontroversial tariff amendment. GVS' Motion to Intervene should be denied.

II. Law and Argument

The Commission's rules establish five criteria the Commission will consider when deciding whether to permit intervention in a Commission proceeding. Specifically, the Commission will consider: (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 proceedings; (4) whether the prospective intervenor will significantly contribute to the full development and equitable resolution of the factual issues; and (5) the extent to which the person's interest is represented by existing parties.⁴ None of the first four factors of this test supports GVS's intervention in this proceeding.

As a threshold matter, this Tariff application has no bearing on the infrastructure upgrades currently pending in German Village. Under current PHMSA rules, Columbia is required to place an EFV on most new or replaced service lines.⁵ This includes any new or replaced service lines that are part of Columbia's Accelerated Mains Replacement Program, such as the improvements that are at issue in Case No. 17-1298-GA-CSS ("GVS Complaint Case"). Instead, this Tariff Application relates to customers who have an *existing* service line that is not being replaced and who request the installation of an EFV.

To the extent GVS seeks additional information about EFVs, intervention is unnecessary to achieve that purpose. Columbia acknowledges it inadvertently checked the incorrect box in Section 1. of the Application. Columbia should have checked "Change in Rule or Regulation" not "New Service." Notwithstanding this inadvertent error, the Commission should approve the Application. Columbia notes, however, that Staff filed its Staff Report on the same day as GVS' inter-

⁴ Ohio Admin. Code 4901-1-11(B).

⁵ 49 CFR 192.393(b)

vention, and Staff recommended approval of the Application. Columbia also has information about EFVs on its website (<https://www.columbiagasohio.com/stay-safe/excess-flow-valves>) and cited the relevant PHMSA docket number in its Application. Finally, Columbia would have answered GVS' questions if GVS had contacted Columbia for more information prior to filing for intervention. And, even if GVS continues to have questions about EFVs after the conclusion of this proceeding, Columbia is willing to answer these questions outside the context of a formal Commission proceeding.

Second, GVS fails to explain how its legal position has any probable relation to the merits of this case. The only legal position GVS appears to assert is that it would like to propose Tariff changes relating to infrastructure upgrades in historic districts. However, the opening of a Tariff change docket for a single limited issue does not open up the entire Tariff for unrelated changes. Columbia filed a narrowly tailored Tariff change application to incorporate changes stemming from a recent PHMSA rulemaking. The Commission should not allow a party to expand the scope of a simple tariff application to advance that party's unrelated interests in a separate complaint case. This alone provides sufficient justification for the Commission to deny GVS' motion to intervene in the instant case.

Third, GVS claims its intervention will not unduly delay or prolong this proceeding because its intervention is timely and it is able to comply with all case management guidelines.⁶ As explained above, however, GVS has no real interest in the narrow scope of this case. GVS' intent appears to be tariff changes that are entirely unrelated to the purpose for this proceeding. Additionally, as Columbia's Application notes, the PHMSA rules became effective on April 14, 2017, and Columbia is attempting to put into place a necessary Tariff change for those instances in which a customer might choose to request and pay for an EFV installation on an existing service line. Any delay in this docket could potentially holdup an EFV installation for a customer that requests an EFV.

Fourth, GVS claims it will significantly contribute to the full development of the record in this proceeding as it is now familiar with Commission proceedings and is represented by experienced, able counsel.⁷ The retention of experienced, able counsel in and of itself has no bearing as to whether a party will significantly contribute to the full development of the record. GVS fails to provide

⁶ Memo in Support at 5-6.

⁷ Memo in Support at 6.

any information about what it intends to contribute to the record or how it will actually contribute to the development of the record in this case. As Columbia demonstrated above, GVS has no interest in this case other than advancing the issues it raised in the GVS Complaint Case, and thus GVS will not contribute to the full development of the record in this proceeding.

III. Conclusion

This is a simple proceeding, filed for the limited purpose of amending Columbia's tariff to address recent changes in the federal pipeline safety regulations that require Columbia to offer to install EFVs on existing underground service lines. Allowing GVS to intervene in this proceeding to gain additional information on EFVs (which is already available on Columbia's website) or to expand the proceeding to consider the unrelated topic of infrastructure upgrades in historical districts (which is already the subject of a pending complaint case) would unnecessarily prolong the resolution of Columbia's limited application. For the reasons detailed herein, Columbia respectfully requests that the Commission deny GVS' Motion to Intervene.

Respectfully submitted by,

COLUMBIA GAS OF OHIO, INC.

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CERTIFICATE OF SERVICE

The Public Utilities Commission of Ohio's e-filing system will electronically serve notice of the filing of this document on the parties referenced on the service list of the docket card who have electronically subscribed to the case. In addition, the undersigned hereby certifies that a copy of the foregoing document is also being served via electronic mail on the 9th day of June, 2017 upon the parties listed below.

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Summary: Memorandum Contra German Village Society, Inc.'s Motion to Intervene electronically filed by Cheryl A MacDonald on behalf of Columbia Gas of Ohio, Inc.