

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

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

**REPLY TO COLUMBIA GAS MEMORANDUM CONTRA THE MOTION TO
INTERVENE BY THE GERMAN VILLAGE SOCIETY, INC.**

I. INTRODUCTION

On May 25, 2017, the German Village Society, Inc. (“GVS”) moved for intervention in this case, pursuant to Ohio Revised Code §4903.221 and Ohio Administrative Code (“Ohio Adm. Code”) Rule 4901-1-11. As presented in the motion, GVS demonstrated that it has a real and substantial interest in the proceeding, and that those interests may be adversely affected by the Commission’s ruling in this proceeding.

Columbia Gas of Ohio, Inc. (“Columbia” or “Company”), through their memorandum contra filed on June 9, 2017, seeks to prevent GVS from protecting its interests, which are directly aligned with Ohio statutory policy and which could be negatively affected by the Company’s inadequate and deficient tariff filing. Further, while the Company has chosen to amend portions of its tariff related to distribution infrastructure, this case represents the appropriate vehicle to propose additional distribution infrastructure improvements that would benefit certain Columbia customers.

Unfortunately, in its Memorandum Contra, Columbia demonstrates its continuing hostility towards their German Village customers and their concern for safe, reliable delivery of natural gas service, chooses to ignore the extensive work performed over the years by the GVS and its members to maintain its community place as a National Register of Historic Places designee and as a tourist destination that continues to provide significant economic benefit to the City of Columbus and the State of Ohio. In addition, they provide information in this memorandum contra that appears to contradict statements made in their complaint response in PUCO case no. 17-1298-GA-CSS.

In its memorandum contra, Columbia seems to imply that no party should have intervened in this case because there is currently only one intervenor¹, and because they deem it a “simple proceeding.”² GVS could find no precedent that less than a certain number of intervenors or the deemed simplicity of a case prohibited intervention.

Contrary to Columbia’s assertions, recent Commission precedent demonstrates that the Commission seeks broad intervention from diverse parties. More specifically, groups like GVS have been granted intervention and provide an important perspective - different from the general interests of residential representatives in various Commission cases. Therefore, GVS respectfully requests that the Commission grant intervention to GVS for the purposes of seeking additional clarification about the proposed tariff, allow GVS to provide recommendations for additional, related tariff recommendations, and reject Columbia Gas of Ohio’s attempt to impose an arbitrary intervention standard that would limit participation in this case.

¹ Columbia Memo Contra at 1: “GVS is the only party that moved to intervene in this case.” (June 9, 2017)

² *Id.*, At 3 and 4.

II. REPLY

A. GVS Should be Granted Intervention Because Well-Established Case Precedent Encourages Broad Intervention in PUCO Proceedings.

Ohio case precedent encouraging broad participation in PUCO proceedings is well-established. As stated in GVS' original motion, the Ohio Supreme Court, in *Ohio Consumers' Counsel v. Public Utilities Commission*, stated unequivocally that the PUCO should allow wide participation:

In our view [...] intervention ought to be liberally allowed so that the positions of **all persons with a real and substantial interest** in the proceedings can be considered by the PUCO.³ (Emphasis added).

Further, the Commission has adopted and maintained this precedent. In recent matters, Attorney Examiners have granted interventions – even out of time – in order to allow parties to protect their interests, citing to the Court's precedent on favoring intervention:

The attorney examiner notes that the Supreme Court of Ohio has held that statutes and rules governing intervention should be "**generally liberally construed in favor of intervention.**" *Ohio Consumers' Counsel v. Pub. Util Comm.* (2006), 111 Ohio St.3d 384 (quoting *State ex rel Polo v. Cuyahoga Cty. Bd. Of Elections* (1995), 74 Ohio St.3d. 143, 144).⁴ (Emphasis Added).

The attorney examiner granted intervention in that case. Intervention should also be granted to GVS in this case. GVS demonstrated that it has a real and substantial interest in this proceeding in its original motion. Columbia is incorrect that GVS possesses only "unrelated interests" in this case.⁵ Columbia indicated that EFVs were deployed as part of the infrastructure work in German Village.

³ *Ohio Consumers' Counsel v. Pub. Util Com'n of Ohio* (2006), 111 Ohio St. 3d 384, 388, 2006 Ohio 5853, 856 N.E.2d 940.

⁴ *In the Matter of the Application of The Dayton Power and Light Company For Approval of its Electric Security Plan*, Case No. 08-1094-EL-SSO, et al, Attorney Examiner Entry at 3, (February 5, 2009).

⁵ Columbia Memorandum Contra at 3.

The Company indicated that these EFVs would affect the specific configuration of the proposed replacement distribution system for each individual customer, creating a negative outcome. These EFVs are not shown in the information provided to German Village residents (Columbia Gas Customers) by Columbia.⁶ The negative outcome from the utilization of EFVs may be prevented or minimized by concurrent, related tariff changes that allow an alternative distribution configuration, which is part of GVS' interest in participating in this case. Columbia cites no examples of interventions that were rejected by the Commission.

GVS, itself a Columbia customer, and on behalf of residents of German Village, and in pursuit of its mission to maintain the Village's historical, visual integrity, certainly has a legitimate interest in requesting clarification regarding the EFV, which is not mentioned in Columbia's information to residents, and in proposed tariff changes providing for the installation of these devices. And GVS may provide additional, related distribution infrastructure recommendations that represent GVS' interests to ameliorate outcomes that will certainly be adverse to the work of GVS, German Village Residents, and Columbia customers that has consistently occurred over the course of several years. GVS has demonstrated that it has a real and substantial interest in this proceeding. No other party represents its specific interests in this proceeding. Thus, GVS' motion to intervene in order to seek clarification, offer recommendations and participate in this proceeding should be granted.

⁶ Please see Attachment A, which represents the information provided to German Village residents in writing. There is no mention of an EFV anywhere in the steps or graphic on page 2 (or the other two pages).

B. Other Entities Similar to GVS have Successfully Intervened and Participated in Recent Commission Cases Where Customer-Specific Interests Were at Issue in the Proceedings.

In other recent Public Utilities Commission of Ohio cases, the Commission has allowed intervention of entities similar to GVS. In a recent FirstEnergy case, a specific subset of FirstEnergy customers that would be effected by FirstEnergy tariff adjustments successfully intervened and participated in FirstEnergy's tariff case. In the recent Ohio Power standard service offer cases, various trade groups and associations were granted intervention.⁷ These proceedings also involved utility tariff adjustments. GVS has plainly stated and now reiterated its tangible, economic and other interests in obtaining a clear understanding of what the EFV addition to Columbia's tariff means (the Application contained several errors and omissions which were pointed out in the GVS Motion) to infrastructure replacement and to attempt to protect its interests by suggesting additional, concurrent and complimentary changes to Columbia's tariffs. While this case may be related to a pending complaint proceeding, that proceeding's primary focus is different than this case (i.e., the safety of customers as gas meters are purposely and unreasonably exposed to traffic and other outdoor hazards). It is not unusual for related or similar cases to appear on the Commission's vast, annual dockets. Therefore, the Commission should grant GVS' intervention and participation in this case.

⁷ *In the Matter of the Application of Cols. Southern Power Co. and Ohio Power Co. for Authority to Establish a Standard Rate Offer*, two Entries at 3 (April 26, 2012).

C. Columbia Fails to Demonstrate that GVS will Unreasonably Delay the Proceeding or not Significantly Contribute to the Full Development of Factual Issues.

In its Memorandum Contra, Columbia Gas does not provide any persuasive evidence that GVS will unduly prolong or delay proceedings in this case. Columbia seems to indicate that it finds *any* delay and *any* intervention problematic. The Company mentions that intervention by GVS could delay a customer requesting an EFV installation. Even if this case is still pending when that day comes, Columbia offers no reason why it cannot provide the installation and collect its fee upon the conclusion of these proceedings. While GVS' involvement may slightly extend these proceedings; that is not the standard by which intervention is considered. Columbia notes that GVS did not intervene right away. GVS filed a motion to intervene upon finding out that the case was pending. This intervention violates no procedural schedule and is timely per the rules of this Commission.⁸ GVS has moved to intervene, satisfied all of the Commission's requirements, and Columbia has offered no evidence to the contrary.

III. CONCLUSION

GVS meets the intervention criteria of Section 4903.221 and satisfies the standards set forth in the Commission's rule for intervention contained in Ohio Administrative Code Rule 4901-1-11, including that its motion is timely and is made by a person with a real and substantial interest in the outcome of this proceeding. For the foregoing reasons, the German Village Society,

⁸ Ohio Administrative Code 4901-1-11.

Incorporated, respectfully requests that the Commission grant its motion to intervene and reject Columbia Gas of Ohio, Incorporated's spurious and unsupported arguments.

Respectfully submitted on behalf of:

The German Village Society, Incorporated

/s/Christopher J. Allwein

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Reply was delivered via electronic mail on this 16th day of June, 2017 to the following parties.

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/s/Christopher J. Allwein
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NATURAL GAS LINE REPLACEMENT

Restoration Process

Columbia is committed to restoring any landscaping or disruptions to property that occur as result of our work.

TEMPORARY PATCHING

Our goal is to ensure the construction area is maintained in a safe manner until permanent repairs can be made. After we complete the installation of your new natural gas delivery system at your home or business, we may put a temporary patch in place on your streets and sidewalks. This work is completed in one day.

Right: These photos show examples of temporary patching on a sidewalk. We plan to permanently repair or replace this patch within three to four weeks. However, weather conditions and other factors may impact this schedule. For questions, please contact your Columbia Gas of Ohio construction representative in the project area.



PERMANENT PAVING AND CONCRETE

About three to four weeks after your service installation, our contractor crews will begin the permanent replacement or repair on your streets and sidewalks. This restoration may include concrete or asphalt.

Right: These photos show permanent restoration on streets and sidewalks.



LAWN RESTORATION

Once permanent asphalt and concrete are in place and settled, the construction crew will begin restoration of grass, plants and flower beds. This will include filling holes with dirt and reseeding the grass on the street or project area.

Right: These two photos show fill dirt around the completed hard surface concrete sidewalk, as well as the grass reseeding and straw that follows.





NATURAL GAS LINE REPLACEMENT

April 14, 2017

We're replacing the natural gas system in your neighborhood



WHAT WE DO

1. **MARK** the right of way and existing utilities with flags, stakes and temporary paint. When we make personal contact with you, please alert us of any sprinkler systems or invisible fences.
2. **INSTALL** the main line. This pipe is usually in the tree lawn or right of way.
3. **REPLACE** the service line. This pipe runs from the main line to the meter that serves your home or business.
4. **RELOCATE** any indoor gas meters to the outside of the home or business. For more detailed information, please see the Frequently Asked Questions on page 3.
5. **RESTORE** your property including sidewalks, lawns and driveways. It may be several days or even weeks, between some of these steps. For more detailed information, please see page 4.

WHEN

Columbia Gas of Ohio plans to begin work in your neighborhood in May 2017. Though a lot of factors impact construction, including weather and special events, our goal is to complete the project by the end of September 2017.

CUSTOMER INFORMATION MEETING

The customer information meeting is your best chance to ask questions and learn more about the natural gas line replacement coming to your home and neighborhood. **Join us Wednesday, May 3, 2017, at 6:00 p.m. at High Line Car House (550 South High Street) to meet with representatives from Columbia Gas of Ohio.**

MORE INFORMATION

- Map of the project area on reverse
- Frequently Asked Questions, page 3
- Visit www.ColumbiaGasOhio.com/Replacement
- Contact Kristin Begg with Columbia Gas of Ohio at (614) 381-2151

PLEASE NOTE: If you have received this information and you are not the current property owner, please forward this information to the landlord or property owner immediately.

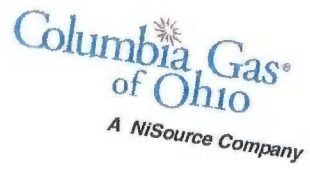
— SEE ADDITIONAL PAGES FOR DETAILS —



**Know what's below.
Call before you dig.**

Planning a home improvement job? Planting a tree? Installing a fence or deck?

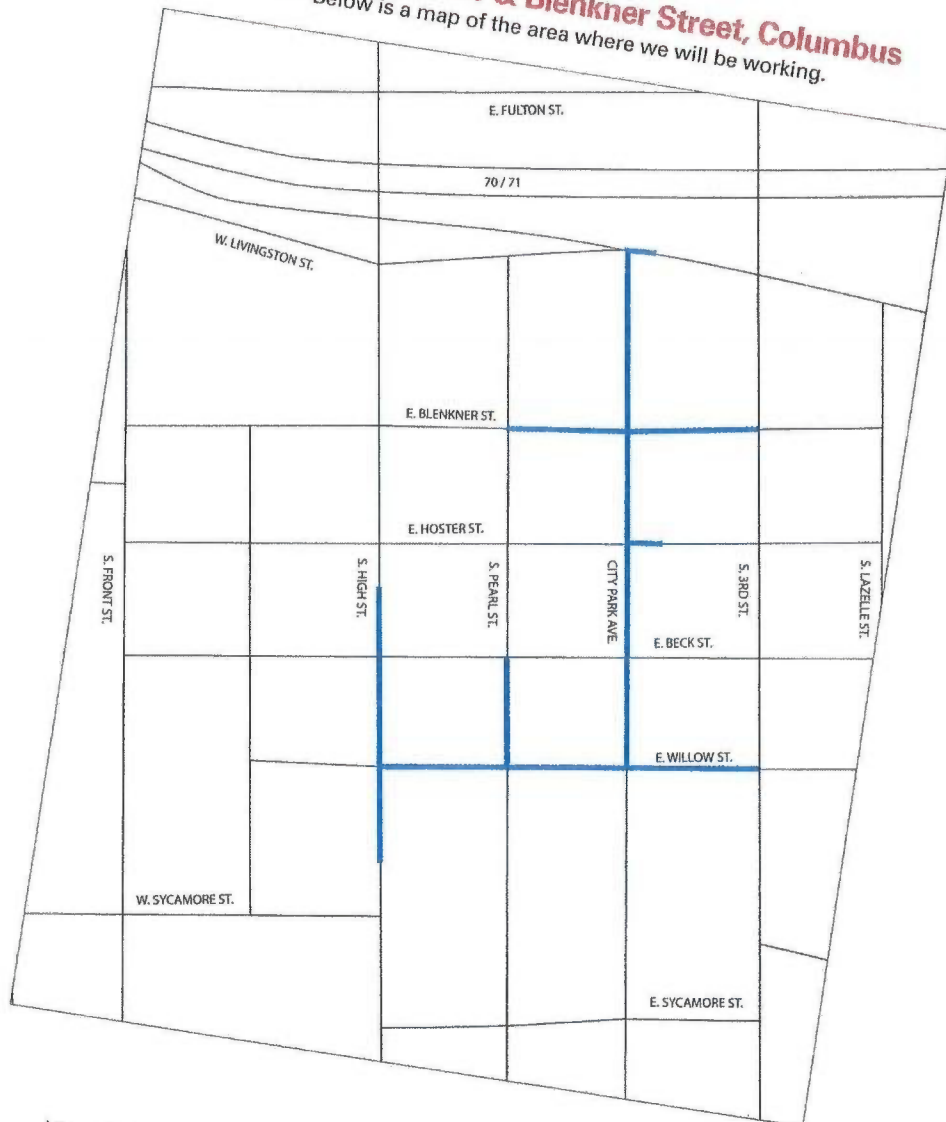
WAIT! Here's what you need to know first. By law, everyone must contact the Ohio Utilities Protection Service by dialing 811 at least 48 hours but no more than 10 working days before any digging project. Digging without calling can disrupt service to an entire neighborhood, harm you and those around you and potentially result in fines and repair costs. Calling 811 before every digging job gets your underground utility lines marked for free and helps prevent undesired consequences.



NATURAL GAS LINE REPLACEMENT

City Park Avenue & Blenkner Street, Columbus

Below is a map of the area where we will be working.



View an interactive map at www.ColumbiaGasOhio.com/Replacement

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Summary: Reply to Columbia Gas Memorandum Contra the Motion to Intervene electronically filed by Mr. Christopher J. Allwein on behalf of German Village Society, Inc.