

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE APPLICATION
OF COLUMBIA GAS OF OHIO, INC. FOR
AUTHORITY TO REVISE ITS TARIFFS.

CASE NO. 17-1005-GA-ATA

FINDING AND ORDER

Entered in the Journal on July 5, 2017

I. SUMMARY

{¶ 1} The Commission approves the application of Columbia Gas of Ohio, Inc. to amend its tariffs to address customer-requested installations of excess flow valves.

II. DISCUSSION

{¶ 2} Columbia Gas of Ohio, Inc. (Columbia or the Company) is a natural gas company as defined in R.C. 4905.03, a public utility as defined in R.C. 4905.02, and an operator as defined in R.C. 4905.90. As such, Columbia is subject to the jurisdiction and supervision of this Commission. Accordingly, Columbia is required to comply with Ohio Adm.Code Chapter 4901:1-16, which sets forth the safety standards and requirements for intrastate gas pipeline facilities subject to the jurisdiction of the Commission. Pursuant to Ohio Adm.Code 4901:1-16-03(A), these rules adopt the United States Department of Transportation's gas pipeline safety regulations contained in 49 C.F.R. Parts 40, 191, 192, and 199.

{¶ 3} R.C. 4909.18 provides, in part, that a public utility may file an application to establish any rate, charge, regulation, or practice. If the Commission determines that the application is not for an increase in any rate and does not appear to be unjust or unreasonable, the Commission may approve the application without the need for a hearing.

{¶ 4} On April 13, 2017, Columbia filed, pursuant to R.C. 4909.18, an application to amend its tariffs, in order to conform to regulations recently enacted by the United States Department of Transportation's Pipeline and Hazardous Materials Safety Administration (PHMSA) in Docket No. PHMSA-2011-0009, Amdt. No. 192-121, which took effect on April 14, 2017. Specifically, Columbia proposes to add certain provisions to its tariffs, consistent with 49 C.F.R. 192.383, to address installation and cost responsibility with respect to excess flow valves (EFV). Columbia states that PHMSA's new regulations permit certain customers to request EFV installation for an existing service line that is not being newly installed or replaced. Columbia notes that it seeks approval of proposed tariffs that would require eligible customers to pay for the installation of the requested EFV. Additionally, Columbia submits that, beginning on April 14, 2017, it will provide, as mandated by PHMSA, customer notification regarding the right to request EFV installation. Columbia adds that it will not commence any customer-requested installations until such time as the Commission issues an order addressing the application. Finally, Columbia states that the proposed charges are "first-filed" charges within the meaning of R.C. 4909.18.

{¶ 5} On May 25, 2017, Staff filed its review and recommendations regarding Columbia's application. Staff notes that Columbia's application seeks to establish the terms and conditions associated with EFV installation and proposes a charge equal to the average cost that the Company incurs to install an EFV, which would be paid by the customer prior to the EFV installation. Following its review, Staff concludes that Columbia's proposed tariff language is consistent with PHMSA's new regulations and the Commission's tariff requirements.

{¶ 6} On May 25, 2017, the German Village Society, Inc. (GVS) filed a motion to intervene in this case. In support of its motion, GVS asserts that it satisfies the

intervention criteria set forth in R.C. 4903.221 and Ohio Adm.Code 4901-1-11. Specifically, GVS states that, as a customer of Columbia and a non-profit organization dedicated to the historic preservation of German Village, it may be adversely affected by the outcome in this case, because the issues involved are directly related to its efforts to maintain the legacy of German Village upon commencement of certain infrastructure upgrades by the Company. GVS adds that it has a real and substantial interest in this proceeding and that its interests will not be adequately represented by other parties in this proceeding. GVS explains that it seeks to intervene in this case in order to obtain a description of the new EFV equipment; understand how EFVs will be deployed in German Village; and propose additional tariff language to address infrastructure upgrades in historic districts.

{¶ 7} On June 9, 2017, Columbia filed a memorandum contra GVS' motion for intervention. Columbia argues that GVS has not satisfied the intervention criteria set forth in Ohio Adm.Code 4901-1-11. Additionally, Columbia asserts that the EFV information that GVS seeks is publicly available and has been since April 13, 2017, making GVS' intervention in this proceeding for the purpose of information gathering unnecessary and untimely. With respect to GVS' claim that Columbia did not provide a description of the EFV equipment, the Company responds that it inadvertently checked the "New Service" box on the tariff application rather than the box for "Change in Rule or Regulation" and, therefore, Exhibit C-1 is not required. Columbia notes that, in any event, EFV information is available on its website and in the relevant PHMSA docket. Columbia adds that it will answer any questions from GVS regarding EFVs outside the context of a formal proceeding. Columbia also asserts that the additional tariff revisions that GVS seeks, which pertain to infrastructure upgrades in historic districts, have no relation to the purpose of this proceeding and would unnecessarily delay the approval of a federally required and otherwise uncontroversial tariff amendment.

{¶ 8} GVS filed a reply to Columbia's memorandum contra on June 16, 2017. GVS reiterates that it meets the intervention criteria enumerated in R.C. 4903.221 and Ohio Adm.Code 4901-1-11. GVS adds that well-established precedent encourages broad intervention in Commission proceedings. *Ohio Consumers' Counsel v. Pub. Util. Comm.*, 111 Ohio St.3d 384, 2006-Ohio-5853, 856 N.E.2d 940.

{¶ 9} On July 3, 2017, GVS filed a motion seeking to hold this proceeding in abeyance, along with a request for an expedited ruling on the motion. GVS requests that this case be held in abeyance until such time as Columbia files a new or revised application with appropriate corresponding documents. GVS argues that Columbia should be required to provide more specific EFV cost information, a complete description of both the EFV equipment and the federal regulation at issue, and an explanation of how EFV installation will be presented to customers and why customers may want to request an EFV. In support of its motion, GVS asserts that Columbia has not clearly indicated whether its application is for a new service or is an application in response to a change in rule or regulation. GVS further asserts that the application appears to indicate that it requests approval of a new service. Noting that Columbia did not provide the exhibits required for a new service application, GVS concludes that the Commission should not approve the Company's application without first requiring modification.

{¶ 10} The Commission finds that Columbia's application to revise its tariffs does not appear to be unjust or unreasonable and that it should be approved. We find that Columbia's proposed tariffs constitute a "first filing" and, thus, the Company's application is an application not for an increase in rates. *City of Cleveland v. Pub. Util. Comm.*, 67 Ohio St.2d 446, 424 N.E.2d 561 (1981); *Cookson Pottery v. Pub. Util. Comm.*, 161 Ohio St. 498, 120 N.E.2d 98 (1954). Therefore, consistent with R.C. 4909.18, the Commission finds that no hearing is required in this case.

{¶ 11} Upon review of the motion for intervention filed by GVS, the Commission finds that GVS has satisfied the intervention criteria and that the motion should be granted. Further, we find that GVS' motion to hold this case in abeyance should be denied. In response to GVS' request to obtain additional information about EFVs and how they will be deployed, the Commission notes that 49 C.F.R. 192.383(e) requires Columbia to notify customers concerning EFV installation and operation. In its application, Columbia indicated that its customers will be notified, consistent with the regulation, beginning on April 14, 2017. EFV information is available on Columbia's website and the Company has agreed to address any remaining questions that GVS may have regarding EFV deployment. Further, although GVS asserts that Columbia should have provided Exhibit C-1, which consists of a description of new equipment, the Company has explained that it inadvertently checked the "New Service" box on the tariff application. Columbia's application otherwise reflects that it is due to a change in rule or regulation, which is an application type that requires an explanation, in Exhibit C-2, of the reason for the change. Columbia provided Exhibit C-2 with its application and explained that the tariff amendments were proposed in response to a change in PHMSA's regulations. Although GVS alleges that Columbia's application is deficient and contradictory in what it is requesting, the application clearly seeks approval of the proposed EFV tariff provisions. We find that Columbia's proposed tariff language is reasonable and consistent with the recent change in PHMSA's regulations and that the Company has provided sufficient information in support of its application to revise its tariffs.

{¶ 12} With respect to GVS' request to propose additional tariff language regarding infrastructure upgrades in historic districts, the Commission notes that the request is beyond the scope of this proceeding, which is limited to the tariff changes necessitated by the change in PHMSA's regulations. Infrastructure upgrades in historic

districts are the subject of a pending complaint filed by GVS against Columbia in Case No. 17-1298-GA-CSS, and GVS' concerns with Columbia's tariffs should be addressed through resolution of the complaint in that case.

III. ORDER

{¶ 13} It is, therefore,

{¶ 14} ORDERED, That Columbia's application to revise its tariffs be approved. It is, further,

{¶ 15} ORDERED, That Columbia be authorized to file tariffs, in final form, consistent with this Finding and Order. Columbia shall file one copy in this case docket and one copy in its TRF docket. It is, further,

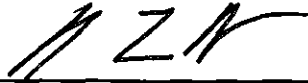
{¶ 16} ORDERED, That the effective date of the new tariffs shall be a date not earlier than the date upon which the final tariff pages are filed with the Commission. It is, further,

{¶ 17} ORDERED, That the motion for intervention filed by GVS be granted. It is, further,

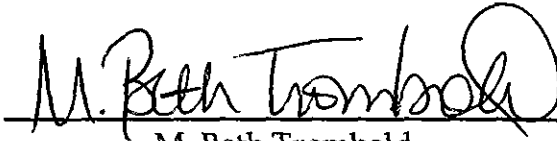
{¶ 18} ORDERED, That GVS' motion to hold this case in abeyance be denied. It is, further,

{¶ 19} ORDERED, That a copy of this Finding and Order be served upon all interested persons and parties of record.

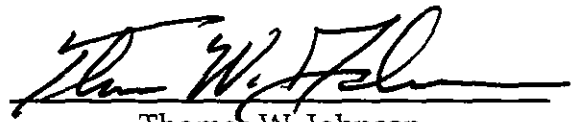
THE PUBLIC UTILITIES COMMISSION OF OHIO



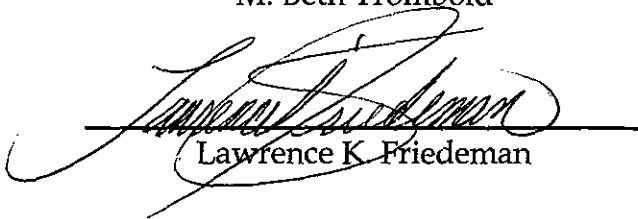
Asim Z. Haque, Chairman



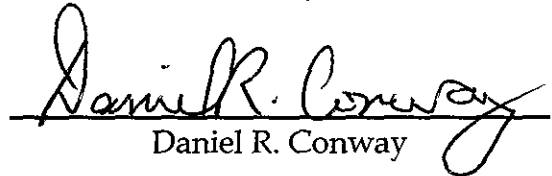
M. Beth Trombold



Thomas W. Johnson



Lawrence K. Friedeman

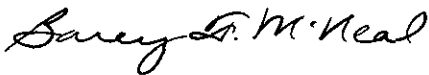


Daniel R. Conway

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Entered in the Journal

JUL - 5 2017



Barcy F. McNeal
Secretary