

FILE

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

Suburban Natural Gas Company,

Complainant,

V.

Columbia Gas of Ohio, Inc.,

Respondent.

Case No. 17-2168-GA-CSS

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**MOTION TO INTERVENE OF THE DELAWARE COUNTY
BOARD OF COMMISSIONERS AND DELAWARE COUNTY ENGINEER**

In accordance with R.C. 4903.221 and Ohio Adm. Code 4901-1-11, the Delaware County Board of Commissioners (the “Board”) and the Delaware County Engineer (the “Engineer”) (collectively, the “County”), by and through the Delaware County Prosecuting Attorney, respectfully request issuance of an order granting intervention in this proceeding. A Memorandum in Support follows.

MEMORANDUM IN SUPPORT

R.C. 4903.221 confers a right to intervene to any person who may be “adversely affected” by a Commission proceeding. In considering a request to intervene, the Commission must consider the nature of the intervenor’s interest, the extent that interest is represented by existing parties, the intervenor’s potential contribution to a just and expeditious resolution of the issues, and whether intervention would unduly delay the proceeding. *See* R.C. 4903.221(B)(1-4). *See also* Ohio Admin. Code 4901-1-11.

The County meets all of the criteria for intervention. The Board is the duly elected board of county commissioners for Delaware County, a political subdivision of the State of Ohio, and

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the Engineer is the duly elected county engineer for Delaware County. The Board, besides being a natural gas customer, is the owner of hundreds of miles of highways within Delaware County and, as a result, is responsible for the construction and maintenance of such highways and the rights-of-way in which they are located, with the Engineer coordinating and administering such functions. The Board is also the owner and operator of the Delaware County Sewer District with hundreds of miles of sanitary sewer facilities within rights-of-way and easements. The County is also responsible for the provision of emergency services, including emergency medical services and 9-1-1 emergency communications throughout Delaware County.

While the pleadings in this matter refer to certain public health, safety, and welfare interests, the parties in this matter are not in a position to adequately represent the public interests specific to Delaware County. The Commission's decision in this matter will affect the County's ability to construct and maintain public infrastructure, specifically with respect to the acquisition of additional easements and rights-of-way, the issuance of permits within the existing rights-of-way, and the construction and relocation of public utilities. Particularly, the unnecessary duplication of natural gas facilities and related appurtenances will increase costs for the County and create practical difficulties in administering future construction and maintenance activities. Furthermore, the Commission's decision in this matter will affect the County's ability to promptly and appropriately respond to emergencies that involve natural gas facilities. Particularly, the unnecessary duplication of natural gas facilities and related appurtenances will create uncertainty in the response protocols, jeopardizing life and property. The County's participation in this proceeding will contribute to a just resolution of the issues. Finally, intervention by the County in the limited scope contemplated herein will not unduly delay the proceeding.

Accordingly, the County respectfully requests that the Commission grant this Motion to Intervene and that it be made a full party of record.

Dated: March 16, 2018

Respectfully submitted,

CAROL HAMILTON O'BRIEN
DELAWARE COUNTY
PROSECUTING ATTORNEY

/s/ Aric I. Hochstettler

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion to Intervene and Memorandum in Support was served by electronic mail this 16th day March, 2018, upon the following:

Mark A. Whitt, Esq. – whitt@whitt-sturtevant.com
Attorney for Suburban Natural Gas

Stephen B. Seiple, Esq. – sseiple@nisource.com
Attorney for Columbia Gas of Ohio, Inc.

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