

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Columbia)
Gas of Ohio, Inc. for Approval of an) Case No. 17-2202-GA-ALT
Alternative Form of Regulation.)

**MOTION TO INTERVENE OF
THE KROGER CO.**

Pursuant to Section 4903.221, Revised Code, and Rule 4901-1-11, Ohio Adm. Code, The Kroger Co. (Kroger) respectfully moves the Public Utilities Commission of Ohio (Commission) for leave to intervene in the above-captioned matter with the full powers and rights granted to intervening parties. As demonstrated in the attached Memorandum in Support, Kroger has a real and substantial interest in this proceeding which may be adversely affected by the outcome herein, and which cannot be adequately represented by any other existing parties. Accordingly, Kroger satisfies the standard for intervention set forth in Ohio statutes and regulations.

Therefore, Kroger respectfully requests that the Commission grant this motion to intervene and that Kroger be made a full party of record in this proceeding.

Respectfully submitted,

/s/ Angela Paul Whitfield
Angela Paul Whitfield (0068774)
Carpenter Lipps & Leland LLP
280 North High Street, Suite 1300
Columbus, Ohio 43215
Telephone: (614) 365-4100
Email: paul@carpenterlipps.com
(willing to accept service by email)

Counsel for The Kroger Co.

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MEMORANDUM IN SUPPORT

On December 1, 2017, Columbia Gas of Ohio, Inc. (Columbia) filed an application in Case No. 17-2202-GA-ALT for approval of a new alternative rate plan to establish a Capital Expenditure Program rider.¹ In its Application, Columbia proposes to establish the CEP Rider to recover post-in-service carrying costs, incremental depreciation expense, and property taxes currently deferred pursuant to Columbia's capital expenditure program. However, on March 19, 2018, the Staff of the Public Utilities Commission of Ohio (Staff) issued correspondence setting forth its determination that Columbia's Application is for an increase in rates.² Staff further advised that Columbia could contest this determination, withdraw its application or amend its December 1, 2017 filing to include the information necessary in an application to increase rates.³ Thereafter, on March 21, 2018, Columbia submitted correspondence setting forth its intent to amend the Application to be filed under Sections 4929.111 and 4929.05, Revised Code.⁴ As explained in more detail below, Kroger has a real and substantial interest in the outcome of this proceeding.

¹ Application of Columbia at 1 (December 1, 2017) (Application).

² Correspondence from Staff at 1 (March 19, 2018).

³ Id.

⁴ Correspondence from Columbia at 1 (March 21, 2018).

Section 4903.221, Revised Code, and Rule 4901-1-11, Ohio Administrative Code, establish the standard for intervention in the above-captioned proceeding. Section 4903.221, Revised Code, provides, in part, that any person “who may be adversely affected” by a Commission proceeding is entitled to seek intervention in that proceeding. Section 4903.221(B), Revised Code, further requires the Commission to consider the nature and extent of the prospective intervenor’s interest, the legal position advanced by the prospective intervenor and its probable relation to the merits of the case, whether the intervention by the prospective intervenor will unduly prolong or delay the proceeding, and the prospective intervenor’s potential contribution to a just and expeditious resolution of the issues involved.

Rule 4901-1-11, Ohio Adm. Code, permits intervention by a party who demonstrates a real and substantial interest in the proceeding and who is so situated that the disposition of the proceeding may impair or impede its ability to protect that interest and whose interest is not adequately represented by an existing party.

Kroger is one of the largest grocers in the United States, with numerous facilities served by Columbia. The facilities operated by Kroger use natural gas and electricity for food storage, lighting, heating, cooling, and distribution, often 24 hours a day, 7 days a week. Kroger’s gas supply needs associated with its facilities in Columbia’s service territory are considerable, and the costs associated with obtaining such supply services from Columbia will be impacted by the outcome of this proceeding.

Therefore, Kroger has a direct, real, and substantial interest in the issues raised in this proceeding and is so situated that the disposition of this proceeding may, as a practical matter, impair or impede its ability to protect that interest. Kroger is regularly and actively involved in

Commission proceedings,⁵ and, as in previous proceedings, Kroger's unique knowledge and perspective will contribute to the full development and equitable resolution of the factual issues in this proceeding, and Kroger's interest will not be adequately represented by other parties to this proceeding. Finally, this timely intervention will not unduly delay or prolong this proceeding.

Kroger satisfies the criteria set forth in Section 4903.221, Revised Code, and Rule 4901-1-11, Ohio Adm. Code, and is, therefore, authorized to intervene in the above-captioned proceeding with the full powers and rights granted by the Commission to intervening parties. Accordingly, Kroger respectfully requests that the Commission grant this motion for leave to intervene and that Kroger be made a full party of record.

Respectfully submitted,

/s/ Angela Paul Whitfield
Angela Paul Whitfield (0068774)
Carpenter Lipps & Leland LLP
280 North High Street, Suite 1300
Columbus, Ohio 43215
Telephone: (614) 365-4100
Email: paul@carpenterlipps.com
(willing to accept service by email)

Counsel for The Kroger Co.

⁵ See e.g., *In the Matter of the Application of Duke Energy Ohio, Inc., for Authority to Establish a Standard Service Offer Pursuant to R.C. 4928.143 in the Form of an Electric Security Plan, Accounting Modifications, and Tariffs for Generation Service*, Case Nos. 17-1263-EL-SSO; *In the Matter of the Application of The Ohio Power Company for Authority to Establish a Standard Service Offer Pursuant to R.C. 4928.143*, Case Nos. 16-1852-EL-SSO, et al.; *In the Matter of the Application of The Dayton Power and Light Company for Approval of its Electric Security Plan, et al.*, Case Nos. 16-395-EL-SSO, et al.

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing was served upon all parties of record via electronic mail on March 22, 2018.

/s/ Angela Paul Whitfield
Angela Paul Whitfield

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Case No(s). 17-2202-GA-ALT

Summary: Motion To Intervene Of The Kroger Co. electronically filed by Mrs. Angela Whitfield on behalf of The Kroger Co.