

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application to Modify, in)	
Accordance with R.C. 4929.08, the)	
Exemption Granted to the East Ohio Gas)	Case No. 12-1842-GA-EXM
Company d/b/a Dominion Energy Ohio in)	
Case No. 07-1224-GA-EXM.)	

**MOTION TO INTERVENE AND MEMORANDUM IN SUPPORT OF
THE EAST OHIO GAS COMPANY D/B/A DOMINION ENERGY OHIO**

In accordance with R.C. 4903.221 and Ohio Adm. Code 4901-1-11, The East Ohio Gas Company d/b/a Dominion Energy Ohio (DEO or the Company) moves to intervene in the above-captioned proceeding, in which the Ohio Consumers' Counsel (OCC) and Ohio Partners for Affordable Energy (OPAE) have asked the Commission to modify its January 9, 2013 Opinion and Order, re-establish the Standard Choice Offer (SCO) as the default service for residential and non-residential customers, and eliminate the Monthly Variable Rate (MVR) for residential customers.

Rather than file their motions to modify in a new docket, OCC and OPAE filed in an existing docket. DEO previously participated in that docket as a party, and although the docket has remained open, it has been to receive administrative filings and tariff updates. In these circumstances, it is not clear whether intervention is necessary or whether DEO is already considered a party. To the extent the Commission determines that intervention is necessary, DEO files this motion and attached Memorandum in Support.

Finally, regardless of whether or how the Commission rules on its motion to intervene, DEO would also express its understanding that the Commission will provide further guidance regarding the procedures applicable in this case, including an opportunity for interested parties such as DEO to comment and otherwise participate. OCC filed under Ohio Adm. Code 4901:1-

19-11, which DEO agrees is the appropriate rule (in principle) for a motion to modify a previously granted exemption.¹ That rule does not establish response times or other procedural requirements, but expressly states that the Commission “shall order such procedures as it deems necessary.” Ohio Adm. Code 4901:1-19-11(B). DEO is still considering OCC’s and OPAE’s motions, and it intends to participate in this case. But in reliance on the rule’s instruction that the Commission “shall order” additional procedures, DEO is not offering substantive comments on the motions at this time but awaits guidance from the Commission.

MEMORANDUM IN SUPPORT

Good cause exists to grant DEO’s motion to intervene. R.C. 4903.221 provides that any “person who may be adversely affected by a public utilities commission proceeding may intervene in such proceeding.” The Ohio Supreme Court has instructed that “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.” *Ohio Consumers’ Counsel v. Pub. Util. Comm.*, 111 Ohio St.3d, 2006-Ohio-5853, ¶ 20.

DEO has a real and substantial interest in the issues and matters involved in this proceeding and is so situated that the disposition of this proceeding without DEO’s participation, will, as a practical matter, impair or impede DEO’s ability to protect that interest. DEO’s participation in this proceeding will not cause undue delay, will not unjustly prejudice any existing party, and will contribute to the just and expeditious resolution of the issues and concerns raised in this proceeding. Therefore, to the extent deemed necessary, DEO respectfully requests that the Commission grant this request to intervene.

¹ DEO does *not* concede either that the motions are meritorious in substance or that the motions are procedurally proper, only that the request (if it is to be considered at all) should be considered under the requirements of Ohio Adm. Code 4901:1-19-11.

R.C. 4903.221 and Ohio Adm. Code 4901-1-11(B) set forth the criteria by which a motion to intervene may be considered by the Commission in deciding whether to permit intervention:

- (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 full development and equitable resolution of the factual issues; and
- (5) The extent to which the person's interest is represented by existing parties.

Each of these five criteria supports DEO's intervention in this proceeding.

Under Ohio Adm. Code 4901-1-11(B)(1) and (2), both the nature of DEO's interest and its legal position warrant intervention. This proceeding was originally initiated in 2012 by a joint motion filed by DEO and the Ohio Gas Marketers Group, requesting modification of an exemption issued in a prior Commission case. OCC and OPAE now seek an order establishing the SCO as a default service for DEO's customers, and eliminating the role played by the MVR. These requests, if granted, would impose administrative costs and burdens on DEO and would to some extent reverse prior approvals that DEO has received from the Commission. In addition, the granting of these requests would directly impact DEO's interest in serving its customers and the nature in which that service is provided. DEO is entitled to protect this interest by participating in the ongoing proceeding.

Under Ohio Adm. Code 4901-1-11(B)(3), DEO's intervention will not unduly prolong or delay the proceedings, as DEO and its representatives have extensive experience as participants in Commission proceedings. Moreover, DEO's long-standing familiarity with the Commission,

utility regulation in general, and the development of DEO's Energy Choice Program in particular, will only contribute to the full development and equitable resolution of issues in the proceeding, as required under Ohio Adm. Code 4901-1-11(B)(4).

Finally, under Ohio Adm. Code 4901-1-11(B)(5), no existing party to this proceeding represents DEO's interests.

For the foregoing reasons, to the extent necessary, DEO respectfully requests the Commission grant its motion to intervene in this proceeding.

Dated: March 23, 2018

Respectfully submitted,

/s/ Andrew J. Campbell

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ATTORNEYS FOR THE EAST OHIO GAS
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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 23rd day of March, 2018, to the following:

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/s/ Rebekah J. Glover

One of the Attorneys for The East Ohio Gas
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Summary: Motion to Intervene and Memorandum in Support electronically filed by Ms. Rebekah J. Glover on behalf of The East Ohio Gas Company d/b/a Dominion Energy Ohio