

In the Matter of the Application of Suburban )  
Natural Gas Company for Approval of an Energy ) Case No. 18-0376-GA-RDR  
Efficiency Program (EEP) Pilot and Rider EEP )  
Rate. )

The Office of the Ohio Consumers' Counsel ("OCC") moves to intervene in this case where Suburban Natural Gas Company ("Suburban") seeks approval to implement a two-year Energy Efficiency Program ("EEP") pilot and charge customers \$0.3594 per month for the pilot.<sup>1</sup> The purpose of the EEP Rider is to assist low-income customers with weatherizing their homes. OCC is filing on behalf of the approximately 15,325 residential utility customers of Suburban.<sup>2</sup> The reasons the Public Utilities Commission of Ohio ("PUCO") should grant OCC's Motion are further set forth in the attached Memorandum in Support.

<sup>2</sup> See R.C. Chapter 4911, R.C. 4903.221, and Ohio Adm. Code 4901-1-11.

Respectfully submitted,

BRUCE WESTON (0016973)  
OHIO CONSUMERS' COUNSEL

/s/ Kevin F. Moore

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In Case No. 17-594-GA-ALT, the PUCO approved, among other things, an energy efficiency program pilot and associated rider, through which Suburban could charge consumers for the costs of an energy efficiency program. The PUCO approved the pilot but did not approve charges for the pilot program to customers at that time. The energy efficiency program is intended to assist low-income customers with weatherizing their homes. In the application in this proceeding, Suburban has requested the authority to set the energy efficiency pilot program charge to consumers at \$0.3594 per month under the EEP Rider.<sup>3</sup> OCC has authority under law to represent the interests of all of Suburban's approximately 15,325 residential natural gas customers, pursuant to R.C. Chapter 4911.

R.C. 4903.221 provides, in part, that any person “who may be adversely affected” by a PUCO proceeding is entitled to seek intervention in that proceeding. The interests of Ohio’s residential customers may be “adversely affected” by this case, especially if the customers were unrepresented in a proceeding that increases what customers pay for their gas service. Thus, this element of the intervention standard in R.C. 4903.221 is satisfied.

<sup>3</sup> See Application at Exhibit C.

R.C. 4903.221(B) requires the PUCO to consider the following criteria in ruling on motions to intervene:

- (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; and
- (4) Whether the prospective intervenor will significantly contribute to full development and equitable resolution of the factual issues.

First, the nature and extent of OCC's interest is representing Suburban's residential customers in this case involving an increase in the amount that Suburban charges its customers under the EEP Rider. This interest is different from that of any other party and especially different from that of the Utility whose advocacy includes the financial interest of stockholders.

Second, OCC's advocacy for residential customers will include advancing the position that Suburban's customers should receive adequate service at a reasonable rate under Ohio law.<sup>4</sup> OCC's position is therefore directly related to the merits of this pending case before the PUCO, the authority with regulatory control of public utilities' rates and service quality in Ohio.

Third, OCC's intervention will not unduly prolong or delay the proceedings. OCC, with its longstanding expertise and experience in PUCO proceedings, will duly allow for the efficient processing of the case with consideration of the public interest.

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<sup>4</sup> R.C. 4905.22.

Fourth, OCC's intervention will significantly contribute to the full development and equitable resolution of the factual issues. OCC will obtain and develop information that the PUCO should consider to equitably and lawfully decide the case in the public interest.

OCC also satisfies the intervention criteria in the Ohio Administrative Code (which are subordinate to the criteria that OCC satisfies in the Ohio Revised Code). To intervene, a party should have a "real and substantial interest" according to Ohio Adm. Code 4901-1-11(A)(2). As the advocate for residential utility customers, OCC has a very real and substantial interest in this case in which the PUCO must address whether the Suburban EEP Rider should be increased to \$0.3594 per customer per month.<sup>5</sup>

In addition, OCC meets the criteria of Ohio Adm. Code 4901-1-11(B)(1)-(4). These criteria mirror the statutory criteria in R.C. 4903.221(B) that OCC already has addressed and that OCC satisfies.

Ohio Adm. Code 4901-1-11(B)(5) states that the PUCO shall consider the "extent to which the person's interest is represented by existing parties." While OCC does not concede the lawfulness of this criterion, OCC satisfies this criterion in that it uniquely has been designated as the state representative of the interests of Ohio's residential utility customers. That interest is different from, and not represented by, any other entity in Ohio.

Moreover, the Supreme Court of Ohio confirmed OCC's right to intervene in PUCO proceedings, in deciding two appeals in which OCC claimed the PUCO erred by denying its interventions. The Court found that the PUCO abused its discretion in

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<sup>5</sup> See Application at Exhibit C.

denying OCC's interventions and that OCC should have been granted intervention in both proceedings.<sup>6</sup>

OCC meets the criteria set forth in R.C. 4903.221, Ohio Adm. Code 4901-1-11, and the precedent established by the Supreme Court of Ohio for intervention. On behalf of Ohio residential customers, the PUCO should grant OCC's Motion to Intervene.

Respectfully submitted,

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/s/ Kevin F. Moore

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<sup>6</sup> See *Ohio Consumers' Counsel v. Pub. Util. Comm.*, 111 Ohio St.3d 384, 2006-Ohio-5853, ¶¶13-20 (2006).

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of this Motion to Intervene was served on the persons stated below via electronic transmission, this 3<sup>rd</sup> day of April 2018.

/s/ Kevin F. Moore

Kevin F. Moore

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Summary: Motion Motion to Intervene by the Office of the Ohio Consumers' Counsel electronically filed by Ms. Deb J. Bingham on behalf of Moore, Kevin F. Mr.