

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application Columbia)
Gas of Ohio, Inc. for Approval to Amend) Case No. 18-0524-GA-ATA
its Rules and Regulations for Service.)

**MOTION TO INTERVENE
BY
THE OFFICE OF THE OHIO CONSUMERS' COUNSEL**

The Office of the Ohio Consumers' Counsel ("OCC") moves to intervene in this case where Columbia Gas of Ohio, Inc. ("Columbia") seeks PUCO approval of proposed tariff revisions regarding Columbia's new upstream and city gate capacity contracts that went into effect April 1, 2018.¹ Further, Columbia seeks approval to pass the costs of penalties imposed by interstate pipelines on to SCO and Choice suppliers.² It is expected that these suppliers will then seek to collect such costs from retail customers, including residential customers. OCC is filing on behalf of the 1.3 million residential utility customers of Columbia. The reasons the Public Utilities Commission of Ohio ("PUCO") should grant OCC's Motion are further set forth in the attached Memorandum in Support.

¹ See R.C. Chapter 4911, R.C. 4903.221 and Ohio Adm. Code 4901-1-11.

² See Proposed redlined tariff sheets, Section VII at 3, 5-7.

Respectfully submitted,

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THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application Columbia)
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MEMORANDUM IN SUPPORT

In this case, Columbia proposes to revise its tariff in regard to new upstream and city gate capacity contracts that became effective April 1, 2018. Both SCO and Choice suppliers use Columbia’s contracted-for capacity when making deliveries to Columbia’s system. These suppliers would be subject to the tariff, including provisions allowing Columbia to pass the costs of penalties imposed by interstate pipelines on to SCO and Choice suppliers. Because these penalties could result in higher rates to consumers who obtain service from these SCO and Choice suppliers, OCC maintains an interest in this proceeding. OCC has authority under law to represent the interests of all the 1.3 million residential utility customers of Columbia, 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 could result in customers paying extra for penalties imposed by interstate pipelines. Thus, this element of the intervention standard in R.C. 4903.221 is satisfied.

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;
- (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 the residential customers of Columbia in this case involving Columbia's proposed tariff revisions. Columbia's tariff proposes to confirm its choice of interstate pipelines for capacity and the amounts of the contracted capacity. Further, the tariff proposes to allow Columbia to pass the costs of penalties imposed by interstate pipelines on to SCO and Choice suppliers. It is expected that these suppliers will then seek to collect such costs from retail customers, including residential customers. OCC's interest is in protecting consumers and maintaining just and reasonable rates, which is different than the interest of any other party and especially different than 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 customers should not pay more than what is reasonable and lawful under Ohio law, for service that is adequate under Ohio law. OCC's position is therefore directly related to the merits of this case that is pending before the PUCO, where the PUCO will be determining whether to allow Columbia to charge penalties imposed by interstate pipelines on suppliers, who will likely collect those penalties from the retail customers they serve.

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.

Fourth, OCC's intervention will significantly contribute to full development and equitable resolution of the factual issues. OCC will obtain and develop information that the PUCO should consider for equitably and lawfully deciding 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 where customer rates could increase due to penalties imposed by interstate pipelines.

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 denying OCC's interventions and that OCC should have been granted intervention in both proceedings.³

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,

BRUCE WESTON (0016973)
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³ See *Ohio Consumers' Counsel v. Pub. Util. Comm.*, 111 Ohio St.3d 384, 2006-Ohio-5853, ¶¶13-20.

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 30th day of May 2018.

/s/ Bryce McKenney

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Summary: Motion Motion to Intervene by The Office of the Ohio Consumers' Counsel electronically filed by Ms. Jamie Williams on behalf of McKenney, Bryce A. Mr.