

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

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

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**MOTION TO INTERVENE  
AND MEMORANDUM IN SUPPORT OF INTERSTATE GAS SUPPLY, INC.**

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**MOTION TO INTERVENE**

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Pursuant to R.C. 4903.221 and Ohio Administrative Code (“OAC”) Rule 4901-1-11, Interstate Gas Supply, Inc. (“IGS”) moves to intervene in the above-captioned proceeding in which the Public Utilities Commission of Ohio (“PUCO” or “Commission”) will review Columbia Gas of Ohio, Inc.’s (“Columbia”) application for a new alternative rate plan to establish a capital expenditure rider (“CEP Rider”).

As set forth in the attached Memorandum in Support, IGS submits that it has a direct, real, and substantial interest in the issues and matters involved in the above-captioned proceeding, and that it is so situated that the disposition of this proceeding without IGS’ participation may, as a practical matter, impair or impede IGS’ ability to protect that interest. IGS further submits that its 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.

IGS’ interests will not be adequately represented by other parties to this proceeding and therefore, IGS should be entitled to intervene with the full powers and rights granted to intervening parties.

Respectfully submitted,

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**MEMORANDUM IN SUPPORT**

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IGS has over 25 years of experience serving customers in Ohio's competitive markets. IGS serves over 1 million customers nationwide and sells natural gas and electricity to customers in 11 states and in over 40 utility service territories. In Ohio, IGS currently serves natural gas customers in the Columbia, Dominion East Ohio, Duke Energy Ohio, and Vectren Energy Delivery of Ohio territories. The IGS family of companies (which include IGS Generation, IGS Home Services and IGS CNG Services) also provides customers focused energy solutions that complement IGS Energy's core commodity business including distributed generation, demand response, CNG refueling, back-up generation and utility line protection. IGS develops innovative and consumer-friendly processes for interacting and enrolling customers while ensuring that appropriate safeguards are in place to protect consumers and uphold the IGS brand.

IGS respectfully submits that it is entitled to intervene in this proceeding because IGS has a real and substantial interest in this proceeding, the disposition of which may impair or impede IGS' ability to protect that interest. For purposes of considering requests for leave to intervene in a Commission proceeding, the Commission's rules provide that:

Upon timely motion, any person shall be permitted to intervene in a proceeding upon a showing that: (1) A statute of this state or the United States confers a right to intervene. (2) The person has a real and substantial interest in the proceeding, and the person is so situated that the disposition

of the proceeding may, as a practical matter, impair or impede his or her ability to protect that interest, unless the person's interest is adequately represented by existing parties.<sup>1</sup>

Further, RC 4903.221(B) and OAC Rule 4901-1-11(B) provide that the Commission, in ruling upon applications to intervene in its proceedings, shall consider the following criteria:

(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.

Regarding the first prong of the Commission's criteria, precedent holds that retail suppliers have been granted intervention in Commission proceedings that may impact retail choice programs, customers, and the competitive market. In Duke's GCR proceeding, for example, the Commission stated:

The thrust of [Duke's] argument is that IGS does not have a real and substantial interest in this GCR proceeding. The examiner finds that issues related to the competitive market, competitive suppliers, and their customers may arise in this proceeding. Such issues have been a part of the utility's prior GCR cases before the Commission.<sup>2</sup>

On December 1, 2017, Columbia filed an application for approval of an alternative rate plan under R.C. 4929.05. The alternative rate plan seeks to establish a capital expenditure rider that will allow recovery of amounts deferred under Columbia's capital expenditure program ("CEP") approved in Case No. 11-5351-GA-UNC, et al. Specifically, Columbia seeks to recover the post-in-service carrying costs, incremental depreciation

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<sup>1</sup> Rule 4901-1-11(A), OAC.

<sup>2</sup> *In the matter of the regulation of the purchased gas adjustment clauses contained within the rate schedules of Cincinnati Gas & Electric Company and related matters*, Case No. 05-218-GA-GCR, Entry at 2 (Nov. 15, 2005).

expense, and property tax expense deferred under the CEP, as well as a return of and return on corresponding assets directly attributable to the CEP. In order to facilitate cost recovery, the proposed rider would assess a fixed monthly per-customer charge. PUCO Staff determined that Columbia's application is for an increase in rates.<sup>3</sup>

IGS has a substantial interest in these proceedings, insofar as IGS, Choice customers, and the choice market could be affected by the Commission's determination of Columbia's petition. Specifically, IGS is concerned about cost allocation and any cross subsidies between Choice customers and distribution rates. Furthermore, to the extent any of Columbia's capital expenditures affects Columbia's ability to balance and operate its system, it could impact the way Columbia's Choice program is administered. The proposal could impact IGS' existing and potential business interests in the Columbia service territory. Therefore, IGS has direct, real, and substantial interests in this proceeding.

IGS' intervention also will not unduly delay these proceedings. IGS' knowledge and industry experience will contribute to a just and expeditious resolution of the issues involved. Moreover, Columbia's proposed procedural schedule has not yet been approved; therefore, IGS' request to intervene is timely, will not prolong the proceeding, and intervention should be granted.

Further, IGS is so situated that without IGS' ability to fully participate in this proceeding, its substantial interest will be prejudiced. IGS is the only supplier that has sought to intervene in its individual capacity in this matter thus far. Inasmuch as others participating in this proceeding cannot adequately protect IGS' interests, it would be

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<sup>3</sup> Correspondence to Columbia Gas of Ohio from T. Turkenton, Staff (Mar. 19, 2018).

inappropriate to determine this proceeding without IGS' participation.

Finally, the Supreme Court of Ohio has held that intervention should be liberally allowed for those with an interest in the proceeding.<sup>4</sup> In light of the liberal interpretation of the intervention rules, IGS clearly meets the standards for intervention in this proceeding.

For the reasons set forth above, IGS respectfully requests the Commission grant this Motion to Intervene.

Respectfully submitted,

/s/ Michael Nugent

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<sup>4</sup> *Ohio Consumers' Counsel v. Pub. Util. Comm.*, (2006) 111 OhioSt.3d 384, 388.

### **CERTIFICATE OF SERVICE**

I certify that this *Motion to Intervene and Memorandum in Support* was filed electronically with the Docketing Division of the Public Utilities Commission of Ohio on this 24th day of September 2018.

/s/ Michael Nugent  
Michael Nugent



## **SERVICE LIST**

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Summary: Motion Motion to Intervene of Interstate Gas Supply, Inc. electronically filed by Mr. Michael A Nugent on behalf of Interstate Gas Supply, Inc.