

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of The)
East Ohio Gas Company d/b/a Dominion)
Energy Ohio for Approval of Tariffs to) Case No. 18-1588-GA-RDR
Adjust its Automated Meter Reading Cost)
Recovery Charge and Related Matters.)

**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 the East Ohio Gas Company d/b/a Dominion Energy Ohio ("Dominion" or the "Utility") has filed a Pre-Filing Notice of its proposal to adjust the amount that it charges customers under its Automated Meter Reading ("AMR") Cost Recovery Rider for calendar year 2018. Under this Rider, the Company charges customers its annual costs to install AMR equipment on each of the nearly 1.3 million meters in its system over a five-year period.¹

OCC represents the interests of Dominion's 1.1 million residential gas utility customers.² The PUCO should grant OCC's motion to intervene for the reasons set forth in the attached memorandum in support.

¹ See, *In re The East Ohio Gas Co. d/b/a/ Dominion East Ohio*, Case No. 07-0829-GA-RDR Opinion and Order; where the PUCO authorized DEO to establish an automated adjustment mechanism to recover the costs associated with an AMR program.

² 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/ Amy Botschner O'Brien
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MEMORANDUM IN SUPPORT

Dominion is proposing to adjust the amount that it charges customers for the costs associated with its AMR program. The recovery mechanism, in the form of an annual rider, is designed to permit the Company to charge customers for its annual costs to install AMR equipment on the nearly 1.3 million meters in its system over a five-year period. AMR equipment enables Dominion to remotely read customers' meters. OCC has statutory authority to represent the interests of Dominion's 1.1 residential gas utility customers under 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 regarding charges to consumers under Dominion's AMR Rider. 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 Dominion in this case investigating the reasonableness of Dominion's charges to customers under the utility's AMR 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 shareholders.

Second, OCC's advocacy for residential customers will include advancing the position that Dominion should charge customers no more than what is just and reasonable under Ohio law. OCC's position is therefore directly related to the merits of this case that is pending 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.

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 the PUCO will determine whether the utility is providing adequate service for the amount it charges customers under Ohio law.

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 (“Court”) 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 Court for intervention. On behalf of Ohio residential customers, the PUCO should grant OCC’s Motion to Intervene.

³ See *Ohio Consumers’ Counsel v. Pub. Util. Comm.*, 111 Ohio St.3d 384, 2006-Ohio-5853, ¶¶13-20.

Respectfully submitted,

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Ohio Consumers' Counsel

/s/ Amy Botschner O'Brien
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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 3rd day of January 2019.

/s/ Amy Botschner O'Brien _____
Amy Botschner O'Brien
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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 Botschner-O'Brien, Amy Ms.