

In the Matter of the Annual Application of )  
Columbia Gas of Ohio, Inc. for an Adjustment to ) Case No. 18-1701-GA-RDR  
Rider IRP & Rider DSM Rates )

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

Columbia Gas of Ohio ("Columbia") seeks approval for charges to customers for its infrastructure replacement program ("IRP") and demand side management ("DSM") programs. Under Columbia's proposal, its 1.3 million residential customers would each pay \$115.56 per year in IRP charges, an 8% increase over the already high amount that they currently pay.<sup>1</sup> A typical residential customer using 10 Mcf per month would also pay over \$26 per year for Columbia's energy efficiency programs.<sup>2</sup> The Public Utilities Commission of Ohio ("PUCO") should grant the Office of the Ohio Consumers' Counsel's ("OCC") motion to intervene for the reasons set forth in the attached memorandum in support.

<sup>1</sup> See Notice of Intent to File an Application to Adjust Rider IRP & Rider DSM Rates of Columbia Gas of Ohio, Inc. at Ex. 3 (Nov. 28, 2018) (the "Pre-Filing Notice") (showing increase in monthly charge from \$8.91 to \$9.63).

<sup>2</sup> *Id.* (proposed rate of \$0.2205/Mcf).

Respectfully submitted,

Bruce Weston (0016973)  
Ohio Consumers' Counsel

/s/ Christopher Healey

Christopher Healey (0086027)

Counsel of Record

Amy Botschner-O'Brien (0074423)

Assistant Consumers' Counsel

**Office of the Ohio Consumers' Counsel**

65 East State Street, 7<sup>th</sup> Floor

Columbus, Ohio 43215

Telephone: Healey - (614) 466-9571

Telephone: O'Brien – (614) 466-9575

[christopher.healey@occ.ohio.gov](mailto:christopher.healey@occ.ohio.gov)

[amy.botschner.obrien@occ.ohio.gov](mailto:amy.botschner.obrien@occ.ohio.gov)

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This case pertains to two unrelated charges on Columbia's customers' bills: charges for its energy efficiency programs (paid through the DSM rider) and charges for its infrastructure replacement program (paid through the IRP rider). If Columbia's charges are updated as proposed in the Notice of Intent, each of Columbia's 1.3 million residential consumers will pay \$115.16 per year in IRP charges—a total of \$150 million. Likewise, a typical residential consumer using 10 Mcf per month will pay over \$26 per year for Columbia's energy efficiency programs, regardless of whether that customer participates in the programs.

<sup>3</sup> See R.C. Chapter 4911.

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 Columbia's residential consumers. 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 legal position will include (without limitation) that utility rates charged to consumers should be just and reasonable.<sup>4</sup> OCC will work to determine whether the proposed charges for Columbia's IRP and energy efficiency programs are just and reasonable. OCC's position is therefore directly related to the merits of this case.

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 the full development and equitable resolution of the factual issues. OCC will obtain and develop information

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<sup>4</sup> See R.C. 4905.22 ("All charges made or demanded for any service rendered, or to be rendered, shall be just, reasonable, and not more than the charges allowed by law or by order of the public utilities commission . . .").

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."<sup>5</sup> As the residential utility consumer advocate, OCC has a real and substantial interest in this case in which the PUCO will review the charges that customers pay for natural gas energy efficiency programs and the utility's IRP.

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), which OCC already has addressed and which 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." Although OCC does not concede that the PUCO must consider this factor, OCC satisfies it because OCC has been uniquely designated as the state representative of the interests of Ohio's residential utility consumers. 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

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<sup>5</sup> Ohio Adm. Code 4901-1-11(A)(2).

discretion in 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 consumers, the PUCO should grant OCC's motion to intervene.

Respectfully submitted,

Bruce Weston (0016973)  
Ohio Consumers' Counsel

/s/ Christopher Healey  
Christopher Healey (0086027)  
Counsel of Record  
Amy Botschner-O'Brien (0074423)  
Assistant Consumers' Counsel

**Office of the Ohio Consumers' Counsel**  
65 East State Street, 7<sup>th</sup> Floor  
Columbus, Ohio 43215  
Telephone: Healey - (614) 466-9571  
Telephone: O'Brien – (614) 466-9575  
[christopher.healey@occ.ohio.gov](mailto:christopher.healey@occ.ohio.gov)  
[amy.botschner.obrien@occ.ohio.gov](mailto:amy.botschner.obrien@occ.ohio.gov)  
(will accept service via email)

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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.

## **CERTIFICATE OF SERVICE**

I hereby certify that a copy of this Motion to Intervene was served on the persons stated below via electric transmission this 8th day of January, 2019.

/s/ Christopher Healey  
Christopher Healey  
Counsel of Record

## **SERVICE LIST**

[William.wright@ohioattorneygeneral.gov](mailto:William.wright@ohioattorneygeneral.gov)

[sseiple@nisource.com](mailto:sseiple@nisource.com)  
[josephclark@nisource.com](mailto:josephclark@nisource.com)

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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 Healey, Christopher Mr.