

In the Matter of the Application of Vectren)
Energy Delivery of Ohio, Inc. for Approval of an) Case No. 19-0779-GA-RDR
Adjustment to its Energy Efficiency Funding)
Rider Rate.)

The Office of the Ohio Consumers' Counsel ("OCC") moves to intervene where Vectren Energy Delivery of Ohio, Inc. ("Vectren" or the "Utility") seeks approval to adjust the amount that it charges customers for its energy efficiency program costs. OCC is filing on behalf of the 296,000 residential utility customers of Vectren. The reasons the Public Utilities Commission of Ohio ("PUCO") should grant OCC's motion are further set forth in the attached memorandum in support.

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**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Vectren)	
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MEMORANDUM IN SUPPORT

Customers pay for Vectren’s natural gas energy efficiency programs through Vectren’s Energy Efficiency Funding Rider. Under Vectren’s application, customers would pay around \$5.7 million for 2019 energy efficiency program costs through the rider.¹ OCC has authority under law to represent the interests of all of Vectren’s 296,000 residential 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 consumers may be “adversely affected” by this case, especially if the customers were unrepresented in a proceeding regarding the amounts that they pay for Vectren’s energy efficiency programs. Further, if the pending settlement in Vectren’s rate case² is approved, Vectren will confer with the PUCO Staff and other parties (like OCC) regarding potential modifications to its programs, and those changes could be implemented in this case.³ Thus, this element of the intervention standard in R.C. 4903.221 is satisfied.

¹ Application, Exhibit A.

² Case No. 18-298-GA-AIR.

³ Application at 3 (stating that Vectren might seek to modify the energy efficiency rider rate based on the results of conferring with the PUCO Staff and other parties).

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 the residential customers of Vectren in this case involving energy efficiency charges to consumers. This interest is different from that of any other party and especially different than that of the Utility, whose advocacy includes the financial interest of stockholders.

Second, OCC's legal position will include, without limitation, advancing the position that utility rates charged to consumers should be just and reasonable.⁴ OCC will work to determine whether the proposed charges for Vectren's energy efficiency programs are just and reasonable. OCC will also confer with Vectren, the PUCO Staff, and other parties regarding Vectren's programs if the settlement in Vectren's rate case is approved. OCC's position is therefore directly related to the merits of this case, which is pending before the PUCO, the authority with regulatory control of public utilities' rates and service quality in Ohio.

⁴ 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 . . .").

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 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 consumers, OCC has a very real and substantial interest in this case where the PUCO will review the charges that customers pay for natural gas energy efficiency programs.

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." 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 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 discretion in denying OCC’s interventions and that OCC should have been granted intervention in both proceedings.⁵

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,

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⁵ 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 electric transmission this 16th day of April 2019.

/s/ Christopher Healey
Christopher Healey
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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 Healey, Christopher Mr.