

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of The East Ohio Gas Company)
d/b/a Dominion East Ohio for Approval of) Case No. 19-0468-GA-ALT
an Alternative Form of Regulation.)

**NORTHEAST OHIO PUBLIC ENERGY COUNCIL'S
MOTION TO INTERVENE**

Pursuant to R.C. 4903.221, and O.A.C. 4901-1-11, the Northeast Ohio Public Energy Council (“NOPEC”) respectfully requests that the Public Utilities Commission of Ohio grant its motion to intervene in this proceeding. The reasons supporting NOPEC’s motion to intervene are contained in the accompanying Memorandum in Support.

Respectfully submitted,



Glenn S. Krassen (Reg. No. 0007610)
BRICKER & ECKLER LLP
1001 Lakeside Avenue, Suite 1350
Cleveland, OH 44114
Telephone: (216) 523-5405
Facsimile: (216) 523-7071
E-mail: gkrassen@bricker.com

Dane Stinson (Reg. No. 0019101)
BRICKER & ECKLER LLP
100 South Third Street
Columbus, Ohio 43215-4291
Telephone: (614) 227-4854
Facsimile: (614) 227-2390
Email: dstinson@bricker.com

Attorneys for Northeast Ohio Public Energy Council

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MEMORANDUM IN SUPPORT

I. INTRODUCTION

The Northeast Ohio Public Energy Council (“NOPEC”) is a regional council of governments established under R.C. Chapter 167, and is the largest governmental retail energy aggregator in Ohio. It is comprised of approximately 220 member communities in the seventeen (17) Ohio counties of Ashtabula, Athens, Clark, Columbiana, Cuyahoga, Geauga, Huron, Lake, Lorain, Mahoning, Medina, Portage, Richland, Seneca, Stark, Summit, and Trumbull. NOPEC provides energy aggregation service to approximately 900,000 residential and small business retail customers in the state, including retail natural gas customers in Dominion East Ohio’s (“DEO”) service territory. NOPEC has been an active participant in Ohio’s competitive natural gas and electric markets since their inception, and has arranged supply contracts that have resulted in customer savings and benefits of more than \$300 million since 2001.

DEO filed an application in this proceeding for an alternative form of regulation (“Application”), in which it seeks to recover the deferred costs and investments incurred from 2011 through 2018 as a part of its Capital Expenditure Program (“CEP”). The costs would be recovered through a newly created, stand-alone CEP Rider, which initially would be set at the monthly rate of \$3.89 for NOPEC’s residential customers and \$11.06 for its small business customers. Application, Exhibit A, at 5.

R.C. 4903.221(B) and OAC Rule 4901-1-11(A)(2) govern intervention in Commission proceedings. Substantially similar in substance, these provisions provide that the Commission may consider the following in determining whether to grant intervention:

- (1) The nature and extent of the person's interest;¹
- (2) The legal position of the person seeking intervention and its relation to the merits of the case;²
- (3) Whether intervention would unduly delay the proceeding or unjustly prejudice any existing party;³
- (4) The person's potential contribution to full development and equitable resolution of the issues involved in the proceeding;⁴ and
- (5) The extent to which the person's interest is represented by existing parties.⁵

NOPEC has a real and substantial interest in this proceeding considering that DEO seeks to collect CEP deferred costs and investments from NOPEC's natural gas aggregation customers located in DEO's territory. NOPEC has a substantial interest that its customers are assessed only reasonable costs for natural gas distribution service.

NOPEC's motion to intervene will not unduly delay this proceeding, or unjustly prejudice any existing party. NOPEC will work cooperatively with others in the case in order to maximize case efficiency, where practical, to reach an equitable resolution of all issues.

Finally, NOPEC submits that no current party represents its unique interests in assuring that rates to its natural gas aggregation customers are just and reasonable. Disposition of this proceeding without its participation will impair or impede NOPEC's ability to protect those interests.

¹ R.C. 4903.221(B)(1) and OAC 4901-1-11(B)(1).

² R.C. 4903.221(B)(2) and OAC 4901-1-11(B)(2).

³ R.C. 4903.221(B)(3) and OAC 4901-1-11(B)(3).

⁴ R.C. 4903.221(B)(4) and OAC 4901-1-11(B)(4).

⁵ OAC 4901-1-11(B)(5).

WHEREFORE, NOPEC respectfully request that its motion to intervene be granted.

Respectfully submitted,



Glenn S. Krassen (Reg. No. 0007610)
BRICKER & ECKLER LLP
1001 Lakeside Avenue, Suite 1350
Cleveland, OH 44114
Telephone: (216) 523-5405
Facsimile: (216)523-7071
E-mail: gkrassen@bricker.com

Dane Stinson (Reg. No. 0019101)
BRICKER & ECKLER LLP
100 South Third Street
Columbus, Ohio 43215-4291
Telephone: (614) 227-4854
Facsimile: (614) 227-2390
Email: dstinson@bricker.com

Attorneys for Northeast Ohio Public Energy Council

CERTIFICATE OF SERVICE

In accordance with Rule 4901-1-05, Ohio Administrative Code, the PUCO's e-filing system will electronically serve notice of the filing of this document upon the following parties. In addition, I hereby certify that a service copy of the foregoing *Motion to Intervene* was sent by, or on behalf of, the undersigned counsel to the following parties of record this 25th day of June 2019.



Dane Stinson (Reg. No. 0019101)

Mark A. Whitt
Christopher T. Kennedy
Rebekah J. Glover
Whitt Sturtevant LLP
The Key Bank Building, Suite 1500
88 East Broad Street
Columbus, Ohio 43215
whitt@whitt-sturtevant.com
kennedy@whitt-sturtevant.com
glover@whitt-sturtevant.com

Christopher Healey
William Michael
Office of the Ohio Consumers Counsel
65 East State Street
Columbus, Ohio 43215
Christopher.healey@occ.ohio.gov
William.michael@occ.ohio.gov

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Summary: Motion to Intervene of Northeast Ohio Public Energy Council electronically filed by Ms. Megan Zemke on behalf of Dane Stinson