

**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 to Adjust its	)	Case No. 19-1944-GA-RDR
Pipeline Infrastructure Replacement	)	
Program Cost Recovery Charge and	)	
Related Matters.	)	

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

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Dominion Energy Ohio (“Dominion”) seeks approval from the Public Utilities Commission of Ohio (“PUCO”) to charge each of its 1.12 million residential customers \$162 per year for its infrastructure replacement program. This charge would be a 15% increase over the already high amount that customers currently pay.<sup>1</sup>

The Office of the Ohio Consumers’ Counsel’s (“OCC”) moves to intervene for consumer protection. OCC’s motion to intervene should be granted for the reasons set forth in the attached Memorandum in Support.

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<sup>1</sup> See Notice of Intent to File an Application to Adjust Rider IRP at PFN Ex. 3 (Nov. 27, 2019) (the “Pre-Filing Notice”) (showing increase in monthly charges from \$11.74 to \$13.50).

Respectfully submitted,

Bruce Weston (0016973)  
Ohio Consumers' Counsel

/s/ Amy Botschner O'Brien

Amy Botschner O'Brien (0074423)  
Counsel of Record  
Ambrosia E. Logsdon (0096598)  
Assistant Consumers' Counsel

**Office of the Ohio Consumers' Counsel**

65 East State Street, 7th Floor  
Columbus, Ohio 43215  
Telephone [Botschner O'Brien]: (614) 466-9575  
Telephone [Logsdon]: (614) 466-1292  
[Amy.botschner.obrien@occ.ohio.gov](mailto:Amy.botschner.obrien@occ.ohio.gov)  
[Ambrosia.Logsdon@occ.ohio.gov](mailto:Ambrosia.Logsdon@occ.ohio.gov)  
(willing to accept service by e-mail)

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**MEMORANDUM IN SUPPORT**

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The PUCO will be reviewing the charge on Dominion gas customers' bills for Dominion's infrastructure replacement program (paid through the PIR Rider). If Dominion's charges are updated as proposed in the Notice of Intent, each of Dominion's 1.12 million residential customers will pay \$162 per year in infrastructure replacement program charges. That would be a 15% increase over the already high amount that customers currently pay.<sup>2</sup>

OCC has authority under law to represent the interests of Dominion's 1.12 million 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 customers may be "adversely affected" by this case, especially if the customers were unrepresented in a proceeding where the PUCO will determine how much Dominion can charge customers for its infrastructure replacement program. Thus, this element of the intervention standard in R.C. 4903.221 is satisfied.

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<sup>2</sup> See Notice of Intent to File an Application to Adjust Rider IRP at PFN Ex. 3 (Nov. 27, 2019) (the "Pre-Filing Notice") (showing increase in monthly charges from \$11.74 to \$13.50).

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 Dominion'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 Dominion's shareholders.

Second, OCC's advocacy for residential customers will include, among other things, advancing the position that customers should only be made to pay rates that are found to be just and reasonable with costs that are found to be prudent. 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.

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 what how much Dominion can charge customers for its infrastructure replacement program.

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 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.<sup>3</sup>

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

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 customers, the PUCO should grant OCC's Motion to Intervene.

Respectfully submitted,

Bruce Weston (0016973)  
Ohio Consumers' Counsel

/s/ Amy Botschner O'Brien  
Amy Botschner O'Brien (0074423)  
Counsel of Record  
Ambrosia E. Logsdon (0096598)  
Assistant Consumers' Counsel

**Office of the Ohio Consumers' Counsel**  
65 East State Street, 7th Floor  
Columbus, Ohio 43215  
Telephone [Botschner O'Brien]: (614) 466-9575  
Telephone [Logsdon]: (614) 466-1292  
[Amy.botschner.obrien@occ.ohio.gov](mailto:Amy.botschner.obrien@occ.ohio.gov)  
[Ambrosia.Logsdon@occ.ohio.gov](mailto:Ambrosia.Logsdon@occ.ohio.gov)  
(willing to accept service by e-mail)

### **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 24<sup>th</sup> day of January 2020.

/s/ Amy Botschner O'Brien  
Amy Botschner O'Brien  
Assistant Consumers' Counsel

The PUCO's e-filing system will electronically serve notice of the filing of this document on the following parties:

### **SERVICE LIST**

<a href="mailto:John.jones@ohioattorneygeneral.gov">John.jones@ohioattorneygeneral.gov</a>  Attorney Examiner:  <a href="mailto:Anna.sanyal@puco.ohio.gov">Anna.sanyal@puco.ohio.gov</a>	<a href="mailto:whitt@whitt-sturtevant.com">whitt@whitt-sturtevant.com</a> <a href="mailto:kennedy@whitt-sturtevant.com">kennedy@whitt-sturtevant.com</a> <a href="mailto:fykes@whitt-sturtevant.com">fykes@whitt-sturtevant.com</a> <a href="mailto:andrew.j.campbell@dominionenergy.com">andrew.j.campbell@dominionenergy.com</a>
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Summary: Motion Motion to Intervene by The Office of The Ohio Consumers' Counsel  
electronically filed by Mrs. Tracy J Greene on behalf of Botschner O'Brien, Amy