

In the Matter of Joint Application of Utility Pipeline, Ltd., Cobra Pipeline Company, Ltd., and Knox Energy Cooperative Association, Inc. to Substitute Natural Gas Service and Transfer Assets to Customers)
)
) Case No. 21-0803-GA-ATR
)
)
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Pursuant to Ohio Revised Code § 4903.221 and O.A.C. 4901-1-11, Northeast Ohio Gas Corp. (“NEO”) hereby moves to intervene in this proceeding. NEO has a real and substantial interest in this proceeding and its interest, which may be prejudiced by the result of this proceeding, is not represented by existing parties. Thus, as set forth more fully in the attached memorandum in support, NEO respectfully requests that the Commission grant this timely request to intervene.

**BEFORE THE
PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of Joint Application of Utility)	
Pipeline, Ltd., Cobra Pipeline Company,)	
Ltd., and Knox Energy Cooperative)	Case No. 21-0803-GA-ATR
Association, Inc. to Substitute Natural Gas)	
Service and Transfer Assets to Customers)	
)	

**MEMORANDUM IN SUPPORT OF THE MOTION TO INTERVENE OF NORTHEAST
OHIO NATURAL GAS CORP.**

I. INTRODUCTION

In this proceeding (the “Application”), Cobra Pipeline Company, Ltd., (“Cobra”) seeks authorization from the Public Utilities Commission of Ohio (the “Commission”) for the transfer of the assets from Cobra to Utility Pipeline, Ltd., (“UPL”), then to Knox Energy Cooperative Association, Inc. (“Knox”). The Application will significantly impact customers through, among other things, revised rates and charges. NEO is a large customer in Cobra’s current service territory. Accordingly, NEO has a real and substantial interest in this proceeding, and the Commission’s disposition of this proceeding may impair or impede its ability to protect that interest. Thus, NEO respectfully requests that the Commission grant its Motion to Intervene in this proceeding.

II. LEGAL STANDARD

R.C. § 4903.221 provides that any “person who may be adversely affected by a public utilities commission proceeding” may intervene in the proceeding. The Commission’s own rules reinforce the right to intervene:

“Upon timely motion, any person *shall be* permitted to intervene in a proceeding upon a showing that . . . [t]he person has a real and substantial interest in the proceeding, and the person is so situated that the disposition of the proceeding may, as a practical matter,

impair or impede his or her ability to protect that interest, unless the person's interest is adequately represented by existing parties.” O.A.C. 4901-1-11(A) (emphasis added).

“The regulation’s text is very similar to Civ. R. 24—the rule governing intervention in civil cases in Ohio—which is generally liberally construed in favor of intervention.” *Ohio Consumers’ Counsel v. Pub. Util. Comm.*, 111 Ohio St. 3d 384, 387 (2006) (internal quotations omitted). In considering a motion to intervene, the Commission’s rule directs that the Commission should consider: 1) the nature and extent of the intervenor’s interest; 2) the legal position advanced by the intervenor and its probable relation to the merits of the case; 3) whether intervention will unduly prolong or delay the proceedings; 4) whether the intervenor will significantly contribute to full development and equitable resolution of the factual issues; and 5) the extent to which the intervenor’s interest is represented by existing parties. *See* O.A.C. 4901-1-11(B)(1)-(5); *see also* R.C. § 4903.221(B)(1)-(4). NEO’s Motion to Intervene satisfies each of these factors.

III. ARGUMENT

A. The Nature and Extent of NEO’s Interest

NEO is directly affected by the Application as a large customer in Cobra’s service territory. As such, NEO has a substantial interest in the outcome of this proceeding and in ensuring that service is uninterrupted and that NEO’s existing service agreements are honored. Those interests cannot be represented by any other party to this proceeding, as no other party to this proceeding represents NEO’s interests as a customer.

B. The Legal Position Asserted by NEO

NEO supports Cobra, UPL, and Knox’s goals of providing safe and reliable service. However, the specific details regarding how the Application is implemented may have a significant impact on NEO, as an existing customer of Cobra. As such, NEO seeks to intervene to ensure that the Application is implemented in an orderly manner consistent with all relevant legal principles.

C. NEO's Intervention Will Not Unduly Prolong or Delay The Proceeding

On July 16, 2021, the Commission accepted the Application for filing from Cobra, UPL, and Knox. To date, the Attorney Examiner has not yet established an intervention deadline. As a result, NEO's Motion to Intervene is timely and will not prejudice any existing parties or unduly prolong or delay the proceedings.¹

D. NEO's Interests Are Not Already Represented by Existing Parties

NEO is a large customer with extensive operations in Cobra's service territory; thus, it is uniquely situated to contribute to the full development of factual issues in this case. NEO has substantial experience in Commission proceedings and its experience will benefit the Commission's review of the Application. Additionally, NEO's participation will significantly contribute to the full development and resolution of the issues raised by the Application. NEO's interests are not already represented by existing parties, as no other party or customer is currently involved in this proceeding.

IV. CONCLUSION

WHEREFORE, NEO respectfully requests that the Commission grant this Motion to Intervene and allow NEO to be made a party of record to this proceeding.

¹ See O.A.C. 4901:1-11(E) (providing that a motion to intervene "will not be considered timely if it is filed later than five days prior to the scheduled date of the hearing or any specific deadline established by order of the commission for purposes of a particular proceeding").

Respectfully submitted,

s/ N. Trevor Alexander

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CERTIFICATE OF SERVICE

I certify that the foregoing was filed electronically through the Docketing Information System of the Public Utilities Commission of Ohio on this 20th day of July, 2021. The PUCO's e-filing system will electronically serve notice of the filing of this document on counsel for all parties.

/s/ N. Trevor Alexander

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Gas Corp.*

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Case No(s). 21-0803-GA-ATR

Summary: Motion to Intervene of Northeast Ohio Natural Gas Corp. electronically filed by Sarah Siewe on behalf of Northeast Ohio Natural Gas Corp.