

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Suburban)
Natural Gas Company for an Increase in Gas) Case No. 18-1205-GA-AIR
Distribution Rates.)

In the Matter of the Application of Suburban) Case No. 18-1206-GA-ATA
Natural Gas Company for Tariff Approval.)

In the Matter of the Application of Suburban)
Natural Gas Company for Approval of) Case No. 18-1207-GA-AAM
Certain Accounting Authority.)

**MOTION TO STRIKE COLUMBIA GAS’S *AMICUS CURIAE* BRIEF
BY
OFFICE OF THE OHIO CONSUMERS’ COUNSEL**

Columbia Gas did not seek intervention in this case. Columbia Gas did not seek intervention when OCC appealed the PUCO’s ruling in this case to the Supreme Court of Ohio. Columbia Gas did not file an amicus brief in that appeal either. Now—more than three years after this case began—Columbia has moved for leave to file amicus briefs in this case on remand.¹

Because the PUCO has not yet ruled on that motion, Columbia has already filed on the docket its initial brief.² As OCC explained in its memorandum contra Columbia’s Motion for Leave to File Amicus Brief, that motion should be denied.³ And if the PUCO denies Columbia’s

¹ See Motion of Columbia Gas of Ohio, Inc. for Leave to File *Amicus Curiae* Brief (Oct. 29, 2021) (the “Columbia Motion”).

² Post-Hearing Brief of *Amicus Curiae* Columbia Gas of Ohio, Inc. (Oct. 29, 2021) (the “Columbia Initial Brief”). Columbia did not file a reply brief.

³ See Memorandum Contra Motion of Columbia Gas of Ohio, Inc. for Leave to File *Amicus Brief* by Office of the Ohio Consumers’ Counsel (Nov. 15, 2021) (the “OCC Memo Contra”).

motion, as it should, then it should also strike Columbia's brief and give it no weight in considering this case on remand.

Respectfully submitted,

Bruce Weston (0016973)
Ohio Consumers' Counsel

/s/ Christopher Healey
Christopher Healey (0086027)
Counsel of Record
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**MEMORANDUM IN SUPPORT
BY
OFFICE OF THE OHIO CONSUMERS' COUNSEL**

The PUCO's consideration of this motion to strike is straightforward. Columbia filed a motion for leave, seeking permission to file an initial brief and reply brief.⁴ While that request was pending, Columbia filed the initial brief (and chose not to file a reply brief).⁵ OCC opposed Columbia's motion.⁶ If the PUCO agrees with OCC that Columbia's motion should be denied, then the PUCO would be denying Columbia the right to file an amicus brief. And because Columbia's brief has already been filed, it must be struck.

Accordingly, OCC respectfully requests that if Columbia's motion for leave is denied—as it should be—that the PUCO take the additional step of striking Columbia's brief so that it is not considered part of the record on remand.⁷

⁴ Columbia Motion.

⁵ Columbia Initial Brief; Columbia Reply Brief.

⁶ OCC Memo Contra.

⁷ See *In re Complaint of the Office of the Consumers' Counsel on Behalf of Jim and Helen Heaton*, Case No. 83-1279-El-CSS, 1985 Ohio PUC LEXIS 41, at *22-23 (Apr. 16, 1985) (denying party's request to file amicus brief and granting OCC's motion to strike the amicus brief).

Respectfully submitted,

Bruce Weston (0016973)
Ohio Consumers' Counsel

/s/ Christopher Healey

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CERTIFICATE OF SERVICE

It is hereby certified that a true copy of the foregoing Motion was served by electronic transmission upon the parties below this 15th day of November 2021.

/s/ Christopher Healey
Counsel of Record

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

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Case No(s). 18-1205-GA-AIR, 18-1206-GA-ATA, 18-1207-GA-AAM

Summary: Motion Motion to Strike Columbia Gas's Amicus Curiae Brief by Office of
The Ohio Consumers' Counsel electronically filed by Mrs. Tracy J. Greene on
behalf of Healey, Christopher