

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of North	)	
Coast Gas Transmission, LLC for	)	Case No. 21-1029-GA-ATA
Authority to Become a Natural Gas	)	
Company in Ohio, Replace its Existing	)	
P.U.C.O. Tariff No. 2, and Move the	)	
PUCO Rolls as a Regulated Natural Gas	)	
Company.	)	

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**REPLY TO NORTH COAST GAS TRANSMISSION’S MEMORANDUM CONTRA  
AND REQUEST FOR LIMITED INTERVENTION REGARDING OCC’S MOTION TO  
INTERVENE  
BY  
OFFICE OF THE OHIO CONSUMERS’ COUNSEL**

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North Coast Gas Transmission, LLC (“North Coast”) does not oppose the Ohio Consumers’ Counsel’s (“OCC”) motion to intervene. However, North Coast then presents a *tautology* of asking the PUCO to limit OCC to the “residential aspects” of North Coast’s proposals, even though OCC already stated its interest is in protecting residential consumers.<sup>1</sup> Maybe next North Coast will seek to limit Columbia Gas and Dominion to gas utility issues in the case.

O.A.C. 4901-1-11(D)(1) authorizes limiting an intervention to “specific issues.” But, in its one-page filing, North Coast avoids specifics. It merely explains *in general* that it is asking the PUCO to limit OCC “to only the interests it represents” and the “residential portions” of North Coast’s proposed tariff.

North Coast’s request fails to satisfy the standard of the Ohio Administrative Code and should be rejected. OCC’s motion satisfies the intervention criteria of R.C. 4903.221 and should

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<sup>1</sup> North Coast Memorandum Contra at 1.

be granted. OCC has a real and substantial interest in this proceeding where a natural gas pipeline company proposes to convert to a new natural gas utility that provides gas service to *Ohio residential consumers*.<sup>2</sup> North Coast has not proposed a Gas Cost Recovery (“GCR”) section in its tariff and asks the PUCO to exempt it from this consumer safeguard.<sup>3</sup> Instead, North Coast proposes to negotiate special contract rates charged on an individual basis with each prospective customer.<sup>4</sup> Under North Coast’s proposal, residential consumers will neither have the protection from a GCR or, to a lesser extent, from the alternative service of gas marketers.

North Coast’s request to limit OCC’s intervention could have nefarious results against consumers. If North Coast obtained such a general limitation, it could use it to wrongly claim in various stages of the case that OCC is limited from involvement on specific issues despite North Coast not identifying such issues up front.

There is ample precedent for granting the full intervention rights OCC is statutorily entitled to. In Case No. 15-298, Duke argued that OCC’s intervention should be limited to only the facts and issues in the disconnection case at issue. Upon consideration of OCC’s motion to intervene in this proceeding, the attorney examiner found that OCC has satisfied the intervention criteria set forth in R.C. 4903.221 and therefore, the motion is reasonable and should be granted.<sup>5</sup> The attorney examiner explained that “Duke’s concerns regarding the proper scope of discovery are premature and will be addressed, if necessary, at the appropriate time.”<sup>6</sup> Other cases have

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<sup>2</sup> OCC Motion to Intervene (Oct. 29, 2021).

<sup>3</sup> North Coast Application at 5 (Oct. 29, 2021).

<sup>4</sup> *Id.*

<sup>5</sup> *In the Matter of the Complaint of Jeffrey Pitzer v. Duke Energy Ohio, Inc.*, Case No. 15-298-GE-CSS, Entry at 3 (July 10, 2015); *see also*, *The Matter of the Exemption Granted to East Ohio Gas Company d/b/a Dominion East Ohio*, Case No. 12-1842-GA-EXM, Entry at 3-4 (July 27, 2012).

<sup>6</sup> *Id.*

held that rather than limiting the scope of intervention, if issues are raised which are deemed to be outside the scope of these proceedings, the matter can be addressed in motions to strike.<sup>7</sup>

North Coast's Memorandum Contra appears to be a thinly veiled attempt to obtain an improper ruling to then use against OCC's right to participate in this proceeding. For these reasons North Coast's request to limit the state consumer advocate's intervention should be denied.

Respectfully submitted,

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<sup>7</sup> See, *In the Matter of the Application of Ohio Power Company for Authority to Amend and Increase Certain of its Rates and Charges for Electric Service et al.*, Case No. 94-996-EL-AIR, Case No. 94-803-EL-AAM, 1994 Ohio PUCO Lexis 918 (Entry at 4 ordering that motions to intervene be granted without limitation, and if issues are raised that are deemed to be outside the scope of these proceedings, the matter can be addressed in motions to strike) (Nov. 9, 1994).

## **CERTIFICATE OF SERVICE**

I hereby certify that a copy of this Reply was served on the persons stated below via electronic transmission this 22nd day of November 2021.

/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:

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Summary: Reply Reply to North Coast Gas Transmission's Memorandum Contra  
and Request for Limited Intervention Regarding OCC's Motion to Intervene by  
Office of The Ohio Consumers' Counsel electronically filed by Mrs. Tracy J. Greene  
on behalf of Botschner O'Brien, Amy