

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Northern)	
Industrial Energy Development, Inc., for)	
Authority to Convert to a Pipeline Company)	Case No. 21-1186-PL-ATA
and for Approval of Amended Transportation)	
Tariff)	

MOTION TO INTERVENE OF NORTHEAST OHIO NATURAL GAS CORP.

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.

Respectfully submitted,

/s/ N. Trevor Alexander

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

I. INTRODUCTION

On November 18, 2021, Northern Industrial Energy Development, Inc. (“NIED”) filed an application requesting that the Commission approve the conversion of NIED’s regulatory status from a natural gas company to a pipeline company and to approve its amended transportation tariff (the “Application”). The Application was filed simultaneously with the request to amend the Joint Application in 21-0803-GA-ATR to add NIED as a Joint Applicant, alongside existing applicants Utility Pipeline, Ltd. (“UPL”), Knox Energy Cooperative Association, Inc. (“Knox”), and Cobra Pipeline Company, Ltd. (“Cobra”). In short, NIED seeks approval in this proceeding to achieve regulatory status as a pipeline company in order to take ownership over various pipeline systems from the bankruptcy estate of Cobra.¹

NEO takes service from Cobra which it uses to serve thousands of NEO customers. The proposed transfer and amended transportation tariff would significantly impact NEO by changing the rates and terms of service applicable to NEO. The attorney examiner in 21-0803-GA-ATR

¹ See *In re Cobra Pipeline Co., Ltd.*, Case No. 19-15961 (Bankr. N.D. Ohio).

found it appropriate to “allow Cobra’s customers and any other interested persons or entities an opportunity to file comments regarding the joint application.”² The same should be true here; as a large customer who will be significantly impacted by the Application and associated amended transportation tariff, 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

² *In the Matter of the Joint Application of Utility Pipeline, Ltd., Cobra Pipeline Company, Ltd., and Knox Energy Cooperative Association, Inc. to Substitute Natural Gas Service and Transfer Assets and Customers*, Case No. 21-803-Ga-ATR, Entry, (July 26, 2021) ¶ 6.

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 current Cobra customer. As such, NEO has a substantial interest in the outcome of this proceeding and in ensuring that service is uninterrupted, that the rates proposed within the amended transportation tariff are subject to appropriate review, and that the terms of service which may be applicable to NEO are appropriate. Those concerns are particularly acute here because NIED has proposed tariffs which vary significantly from the current NIED and Cobra tariffs. NEO's 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

The Application and amended tariff as submitted may have a significant impact on NEO, as an existing customer of Cobra. As such, NEO seeks to intervene to ensure that any tariff change approved for NIED, including changes which would impact NEO's rate or terms of service, is consistent with all relevant legal principles.

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

On November 18, 2021, the Commission accepted the Application for filing from NIED. 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.³

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

NEO is a large Cobra customer who Cobra and NIED propose will be served via the proposed tariffs. Thus, NEO 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.

³ 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 5th day of January, 2022. 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

N. Trevor Alexander (0080713)

Attorney for Northeast Ohio Natural Gas Corp.

**This foregoing document was electronically filed with the Public Utilities
Commission of Ohio Docketing Information System on**

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in

Case No(s). 21-1186-PL-ATA

Summary: Motion to Intervene electronically filed by Mr. N. Trevor Alexander on
behalf of Northeast Ohio Natural Gas Corp.