

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Annual Application of)
Columbia Gas of Ohio, Inc. for an) Case No. 21-1185-GA-RDR
Adjustment to Rider IRP and Rider DSM)
Rates)

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

Columbia Gas of Ohio ("Columbia") seeks approval for charges to consumers for its infrastructure replacement program ("IRP") and demand side management ("DSM") programs. Under Columbia's proposal, its 1.4 million residential consumers would each pay \$154.92 per year in IRP charges.¹ In addition, a typical residential consumer using 10 Mcf per month would also pay nearly \$26 per year for Columbia's energy efficiency programs.² The Public Utilities Commission of Ohio ("PUCO") should grant the Office of the Ohio Consumers' Counsel's ("OCC") motion to intervene for the reasons set forth in the attached memorandum in support.

¹ Application to Adjust Rider IRP and Rider DSM Rates of Columbia Gas of Ohio, Inc., Attachments A and B (February 25, 2022).

² *Id.* (proposed rate of \$0.2132/per Mcf).

Respectfully submitted,

Bruce Weston (0016973)
Ohio Consumers' Counsel

/s/ Amy Botschner O'Brien

Amy Botschner O'Brien (0074423)
Counsel of Record
Ambrosia Wilson (0096598)
Assistant Consumers' Counsel

Office of the Ohio Consumers' Counsel

65 East State Street, Suite 700
Columbus, Ohio 43215
Telephone: Botschner O'Brien (614) 466-9575
Telephone: Wilson (614) 466-1292
amy.botschner.obrien@occ.ohio.gov
ambrosia.wilson@occ.ohio.gov
(willing to accept service via e-mail)

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Annual Application of)
Columbia Gas of Ohio, Inc. for an) Case No. 21-1185-GA-RDR
Adjustment to Rider IRP and Rider DSM)
Rates.)

MEMORANDUM IN SUPPORT

Columbia has sought authority to increase its rates for two charges on Columbia's customers' bills. These charges are for its energy efficiency programs (paid through the DSM rider) and charges for its infrastructure replacement program (paid through the IRP rider). If the PUCO approves Columbia's charges as proposed in its application, each of Columbia's 1.4 million residential consumers will pay \$154.92 per year in IRP charges—a total of \$217 million. Likewise, a typical residential consumer using 10 Mcf per month will pay nearly \$26 per year for Columbia's energy efficiency programs, regardless of whether that customer participates in the programs.

Ohio law authorizes OCC to represent the interests of all of Columbia's 1.4 million residential natural gas customers.³ R.C. 4903.221 provides that any person "who may be adversely affected" by a PUCO proceeding is entitled to intervene in that proceeding. The interests of Ohio's residential consumers may be adversely affected by this case because Columbia's IRP and DSM programs will cost consumers hundreds of millions of dollars. Thus, this element of the intervention standard in R.C. 4903.221 is satisfied.

³ See R.C. Chapter 4911, R.C. 4903.221 and Ohio Adm. Code 4901-1-11.

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; and
- (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 Columbia'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 stockholders.

Second, OCC's legal position will include (without limitation) that utility rates charged to consumers should be just and reasonable.⁴ OCC will work to determine whether the proposed charges for Columbia's IRP and energy efficiency programs are just and reasonable. OCC's position is therefore directly related to the merits of this case.

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 the full development and equitable resolution of the factual issues. OCC will obtain and develop information

⁴ See R.C. 4905.22 ("All charges made or demanded for any service rendered, or to be rendered, shall be just, reasonable, and not more than the charges allowed by law or by order of the public utilities commission . . .").

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."⁵ As the residential utility consumer advocate, OCC has a real and substantial interest in this case in which the PUCO will review the charges that customers pay for natural gas energy efficiency programs and the utility's IRP.

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." Although OCC does not concede that the PUCO must consider this factor, OCC satisfies it because OCC has been uniquely designated as the state representative of the interests of Ohio's residential utility consumers. 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

⁵ Ohio Adm. Code 4901-1-11(A)(2).

discretion in denying OCC's interventions and that OCC should have been granted intervention in both proceedings.⁶

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 consumers, 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 Wilson (0096598)
Assistant Consumers' Counsel

Office of the Ohio Consumers' Counsel
65 East State Street, Suite 700
Columbus, Ohio 43215
Telephone: Botschner O'Brien (614) 466-9575
Telephone: Wilson (614) 466-1292
amy.botschner.obrien@occ.ohio.gov
ambrosia.wilson@occ.ohio.gov
(willing to accept service via e-mail)

⁶ See *Ohio Consumers' Counsel v. Pub. Util. Comm.*, 111 Ohio St.3d 384, 2006-Ohio-5853, ¶¶ 13-20.

CERTIFICATE OF SERVICE

I hereby certify that a copy of this *Motion to Intervene* was served on the persons stated below via electric transmission this 24th day of March 2022.

/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

Thomas.lindgren@ohioAGO.gov

josephclark@nisource.com

johnryan@nisource.com

Attorney Examiner:

Jacqueline.St.John@puco.ohio.gov

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

3/24/2022 5:07:30 PM

in

Case No(s). 21-1185-GA-RDR

Summary: Motion Motion to Intervene by Office of the Ohio Consumers' Counsel
electronically filed by Mrs. Tracy J. Greene on behalf of Botschner O'Brien, Amy