

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of the            )  
East Ohio Gas Company d/b/a Dominion        )     Case No. 22-179-GA-ATA  
Energy Ohio for Approval of Tariff            )  
Revisions.    )

In the Matter of the Application of the            )  
East Ohio Gas Company d/b/a Dominion        )     Case No. 22-180-GA-UNC  
Energy Ohio for Approval of Carbon            )  
Offset Program.                                    )

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

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The Office of the Ohio Consumers' Counsel ("OCC") moves to intervene where Dominion Energy Ohio ("Dominion") seeks to implement a Carbon Offset Program.<sup>1</sup> Under the program, natural gas marketers in Dominion's territory would be responsible for buying and selling carbon offsets and marketing carbon-offsetting rate offers to interested consumers.

Despite Dominion's apparent recognition that carbon offsets would be a matter for the competitive market, Dominion (the monopoly) seeks the status of the facilitator of the program. Dominion proposes to: educate consumers about the program's importance and availability; administer the program, including compliance, enrollment, customer portals, and billing; and validate sufficient offsets for enrolled consumers.<sup>2</sup>

And Dominion seeks approval to charge consumers for its proposed role. Although participation in the program is voluntary, Dominion "acknowledges that the Company would

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<sup>1</sup> See R.C. Chapter 4911, R.C. 4903.221 and Ohio Adm. Code 4901-1-11.

<sup>2</sup> See Application.

incur costs to implement and administer the Program, which costs it would seek to [collect from consumers] in the future.”<sup>3</sup>

Dominion should rethink its proposal. If there is to be a proposal, then it should not involve any charges to consumers, now or in the future. Nor should the proposal involve *monopoly* Dominion in what is supposed to be a *competitive* market for energy marketers to serve consumers.<sup>4</sup> Dominion (and the PUCO) should leave the marketing of natural gas to energy marketers in the competitive market. Dominion shouldn't be interjecting the government (PUCO) and Dominion (a monopoly utility) into the mix. What Dominion proposes seems not a public utility service under Ohio law.

OCC is filing on behalf of the 1.1 million residential utility consumers of Dominion. The reasons the Public Utilities Commission of Ohio (“PUCO”) should grant OCC’s motion are further set forth in the attached memorandum in support.

Respectfully submitted,

Bruce Weston (0016973)  
Ohio Consumers’ Counsel

/s/ William J. Michael  
William J. Michael (0070921)  
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<sup>3</sup> Entry (March 31, 2022) at 2; *see also* Application.

<sup>4</sup> *See* R.C. 4929.02(A).

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**MEMORANDUM IN SUPPORT**

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Carbon offsets could serve a consumer interest. But there is the competitive market, not a utility monopoly, for ways to offset carbon.

Further, Dominion’s proposal involves changes to bill formats.<sup>5</sup> That can lead to confusion. And it can lead to costs as Dominion itself recognizes, considering that Dominion wants to charge consumers.<sup>6</sup>

OCC has authority under law to represent the interests of Dominion’s residential utility consumers under R.C. Chapter 4911. R.C. 4903.221 provides, in part, that any person “who may be adversely affected” by a PUCO proceeding is entitled to seek intervention in that proceeding. The interests of Dominion’s residential consumers may be “adversely affected” by this case, especially if the consumers were unrepresented in a proceeding where Dominion seeks to implement a program that will result in changes to consumers’ bills and charges to consumers. Thus, this element of the intervention standard in R.C. 4903.221 is satisfied.

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<sup>5</sup> *See Id.*

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

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 the residential consumers of Dominion involving a proposal for a seemingly non-utility service program that would result in charges to consumers and changes in the formatting of consumers' bills. This interest is different than that of any other party and especially different than that of the utility whose advocacy includes the financial interest of stockholders.

Second, OCC's advocacy for residential consumers will include, among other things, advancing the position that rates should be no more than what is reasonable and lawful under Ohio law, for utility service that is adequate under Ohio law. OCC's position is therefore directly related to the merits of this case, which is pending before the PUCO, the authority with regulatory control of public utilities' rates and service quality in Ohio.

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 full development and equitable resolution of the factual issues. OCC will obtain and develop information 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” according to Ohio Adm. Code 4901-1-11(A)(2). As the advocate for residential utility consumers, OCC has a very real and substantial interest in this case where Dominion seeks to implement a program that will result in changes to consumers’ bills and costs to consumers.

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.” While OCC does not concede the lawfulness of this criterion, OCC satisfies this criterion in that it uniquely has been 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 discretion in denying OCC’s interventions and that OCC should have been granted intervention in both proceedings.<sup>7</sup>

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<sup>7</sup> See *Ohio Consumers’ Counsel v. Pub. Util. Comm.*, 111 Ohio St.3d 384, 2006-Ohio-5853, ¶¶ 13-20.

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 customers, the PUCO should grant OCC's Motion to Intervene.

Respectfully submitted,

Bruce Weston (0016973)  
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*/s/ William J. Michael* \_\_\_\_\_  
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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of this Motion to Intervene was served on the persons stated below via electronic transmission, this 11th day of May 2022.

/s/ William J. Michael  
William J. Michael  
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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**Case No(s). 22-0179-GA-ATA, 22-0180-GA-UNC**

Summary: Motion Motion to Intervene by Office of the Ohio Consumers' Counsel  
electronically filed by Mrs. Tracy J. Greene on behalf of Michael, William J.