

**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. 23-894-GA-AIR
Energy Ohio for Approval to Increase	)	
Natural Gas Rates	)	
In the Matter of the Application of The	)	
East Ohio Gas Company d/b/a Dominion	)	Case No. 23-895-GA-ALT
Energy Ohio for Approval of Alternative	)	
Rate Plan.	)	
In the Matter of the Application of The	)	
East Ohio Gas Company d/b/a Dominion	)	Case No. 23-896-GA-AAM
Energy Ohio for Approval to Change	)	
Accounting Methods.	)	
In the Matter of the Application of The	)	
East Ohio Gas Company d/b/a Dominion	)	Case No. 23-897-GA-ATA
Energy Ohio for Approval of Tariff	)	
Revisions.	)	

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**REPLY TO DOMINION ENERGY OHIO’S MEMORANDUM CONTRA  
CONSUMER PARTIES’ MOTION TO INTERVENE  
BY  
LEGAL AID SOCIETY OF SOUTHWEST OHIO, LLC,  
OHIO POVERTY LAW CENTER  
AND OFFICE OF THE OHIO CONSUMERS’ COUNSEL**

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**I. INTRODUCTION**

Dominion seeks to increase the charges for natural gas distribution service for all of its 1.2 million customers by over *30 percent* from \$43.30 to \$56.34. And this doesn’t even include the additional charges Dominion wants consumers to pay (increasing to as much as \$29.69 per month by 2032) through additional riders. Consumers deserve to be heard regarding Dominion’s applications to increase rates and for an alternative rate plan,

especially the at-risk consumers, who will be hardest hit by Dominion's proposal. The PUCO should grant the Consumer Parties' Motion to Intervene.

But Dominion seeks to silence the voice of the low-income consumers represented by the Consumer Parties. That's no surprise given its proposals to charge all consumers, including low-income consumers, a 30% increase. And at the same time, Dominion is not offering its low-income consumers any additional assistance in paying the increases it seeks.

There is little merit to Dominion's arguments against the Consumer Parties intervention. The PUCO has allowed these parties to intervene in the past,<sup>1</sup> and it can (and should) do so here. Not only is intervention permissible but it is essential to ensure that low-income residents, who will be substantially impacted by Dominion's proposed increases, will be represented. Consumer groups specifically represent such consumers.

## **II. ARGUMENT**

Intervention into PUCO matters should be granted liberally in accordance with R.C. 4903.221 and O.A.C. 4901-1-11.<sup>2</sup> While Dominion's Memo Contra strains to find a technicality to deny Consumer Parties' intervention, a liberal application of the law supports granting intervention for the Consumer Parties.

### **A. Consumer Parties have standing because their utility rates will be established in this proceeding.**

Website links cited by Dominion themselves reveal ABLE and OPLC's service to low-income Ohioans throughout the state, a segment of which is undeniably affected by

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<sup>1</sup> See, for examples, Case No. 23-856-GE-UNC, Entry (November 30, 2023) and Case No. 21-1233-GE-UNC, Finding and Order (May 4, 2022).

<sup>2</sup> See *Ohio Consumers' Counsel v. Pub. Util. Comm.*, 111 Ohio St.3d 384, 2006-Ohio-5853, ¶ 16.

DEO’s proposed increase. The website statements, however, do not fully encompass the efforts of Consumer Parties, given that Consumer Parties also engage in PUCO matters on the behalf of low-income consumers throughout Ohio.<sup>3</sup> Consequently, based on R.C. 4903.221’s “adversely affected” provision, Consumer Parties possess standing to intervene.

**B. Consumer Parties have a substantial interest in the Dominion’s proposed rates.**

Beyond standing, the Motion to Intervene clearly outlines how the Consumer Parties are actually aggrieved by the proposed rate increase. The substantial financial burden such increases would place on low-income households, potentially jeopardizing their access to essential energy services, constitutes a direct and personal harm. Our active engagement in the proceedings is further evidenced by our Joint Motion for Virtual Hearing<sup>4</sup>, demonstrating our commitment to protecting consumer rights throughout the process.

The first two provisions of R.C. 4903.221 (B) ask for the PUCO to examine (1) “the nature and extent of the prospective intervenor’s interest” and (2) “the legal position advanced by the prospective intervenor and its probable relation to the merits of the case.” Given that Consumer Parties are committed to fighting for a fair process and making sure just and reasonable rates are established for low-income consumers, we satisfy R.C. 4903.221(B)(1) and (2).

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<sup>3</sup> See, for examples, Case No. 23-856-GE-UNC, Entry (November 30, 2023) and Case No. 21-1233-GE-UNC, Finding and Order (May 4, 2022).

<sup>4</sup> Case No. 23-894, Motion for Virtual “Local” Public Hearing (December 8, 2023).

**C. Consumer Parties’ unrepresented, real and substantial interest brings a needed perspective to this proceeding.**

While OCC represents all residential consumers, Consumer Parties bring a distinct focus on the specific needs and vulnerabilities of low-income residents, amplifying their voices for optimal solutions in these rate proceedings. We acknowledge OCC’s role, but low-income individuals face unique challenges. Thus, when considering O.A.C. 4901-1-11(A)(2), our interests are not fully addressed by another party. Notably, the PUCO has recognized this distinct perspective by granting intervention to ABLE, LASSO, and OPLC alongside OCC in past matters.<sup>5</sup>

Our advocacy will focus on the specific economic burdens on low-income residents, demonstrably fulfilling the “real and substantial interest” requirement under O.A.C. 4901-1-11(A)(2).<sup>6</sup> Additionally, our advocacy significantly contributes to a “full and equitable resolution” of factual issues, as R.C. 4903.221(B)(4) demands.<sup>7</sup>

Dominion’s call for prior experience in rate cases is not a requirement for intervention and creates an unfair barrier, silencing new voices with valuable perspectives. Consumer Parties meet the legal requirements for intervention, and our distinct representation is needed here where proposals by the utility could force low-income consumers to make choices about bills to pay, perhaps forgoing essential utility service.

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<sup>5</sup> See, for examples, Case No. 23-856-GE-UNC, Entry (November 30, 2023) and Case No. 21-1233-GE-UNC, Finding and Order (May 4, 2022).

<sup>6</sup> O.A.C. 4901-1-11(B)(2).

<sup>7</sup> R.C. 4903.221(B)(4).

**D. Committed to open dialogue and collaboration, Consumers Parties will work with all parties, including Dominion and OCC, to achieve a fair result for all consumers.**

Contrary to Dominion's assertions otherwise, the Consumer Parties are committed to collaboration and constructive engagement with all parties involved, including DEO and OCC. Diverse perspectives can lead to a more thorough understanding of the issues and ultimately, a fairer outcome for all stakeholders. Indeed, the PUCO has sought participation from multiple consumer advocacy groups on a singular matter, even though their interests may overlap in some areas.<sup>8</sup> Our intervention does not aim to obstruct the proceedings but rather to enrich the process and provide parties with additional viewpoints.

**E. Dominion's intuition, unsupported by any evidence, is not convincing proof that granting Consumer Parties' intervention will delay the proceeding.**

Dominion expresses concern about potential delays due to our intervention. However, where there is no evidence in the record that a party will cause undue delay in the proceedings, such should not be presumed.<sup>9</sup> The Consumer Parties have participated in PUCO proceedings before without causing undue delay.<sup>10</sup> We are confident that our participation will not unduly prolong the case but rather contribute to its comprehensive and timely resolution. Thus, Consumer Parties' intervention is not precluded by R.C. 4903.221 (B)(3).

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<sup>8</sup> See 2001 Ohio PUC LEXIS 912 at 6, footnote 2. – In Case No. 1532-TP-COI, the PUCO invited various parties who all represented consumers to comment on rulemaking, including the Ohio Consumers' Counsel, American Association of Retired Persons (AARP), Appalachian People's Action Coalition, Communities United for Action, Edgemont Neighborhood Coalition, Empowerment Center of Greater Cleveland, City of Columbus, City of Cleveland, and the City of Toledo.

<sup>9</sup> See *Ohio Consumers' Counsel v. Pub. Util. Comm.*, 111 Ohio St.3d 384, 2006-Ohio-5853, ¶ 18.

<sup>10</sup> See, for examples, Case No. 23-856-GE-UNC, Entry (November 30, 2023) and Case No. 21-1233-GE-UNC, Finding and Order (May 4, 2022).

### **III. CONCLUSION**

In conclusion, the Consumer intervention is essential to ensure a fair and comprehensive review of DEO's proposed rate increase, particularly considering its impact on vulnerable low-income residents. We have clear standing, are demonstrably aggrieved, and offer a unique and valuable perspective that will enrich the proceedings and ultimately benefit all stakeholders. We remain committed to collaboration and constructive engagement to achieve a just and equitable outcome for Ohio consumers. The PUCO should grant intervention to the Consumers Parties, consistent with Ohio law and PUCO precedent that requires the intervention statute to be liberally construed.

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## **CERTIFICATE OF SERVICE**

It is hereby certified that a true copy of the foregoing Reply was served upon the persons listed below via electronic transmission this 29th day December, 2023.

/s/ Robert Eubanks

Robert Eubanks

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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 Dominion Energy Ohio's Memorandum Contra Consumer Parties' Motion to Intervene by Legal Aid Society of Southwest Ohio, LLC, Ohio Poverty Law Center and Office of the Ohio Consumers' Counsel electronically filed by Ms. Patricia J. Mallarnee on behalf of Eubanks, Robert Mr..