

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Motion to Modify the)
Exemption Granted to The East Ohio Gas) Case No. 18-1419-GA-EXM
Company d/b/a Dominion Energy Ohio.)

MOTION TO INTERVENE

Now comes the Retail Energy Supply Association (“RESA”)¹ who, pursuant to Ohio Revised Code Section 4903.221 and Ohio Administrative Code Rule 4901-1-11, moves to intervene in the above-styled proceeding as a full party of record. The reasons supporting the intervention are contained in the accompanying Memorandum in Support.

WHEREFORE, RESA respectfully requests that the Commission grant this motion to intervene and that RESA be made a full party of record.

Respectfully Submitted,

/s/ Gretchen L. Petrucci

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¹ The comments expressed in this filing represent the position of the Retail Energy Supply Association (RESA) as an organization but may not represent the views of any particular member of the Association. Founded in 1990, RESA is a broad and diverse group of retail energy suppliers dedicated to promoting efficient, sustainable and customer-oriented competitive retail energy markets. RESA members operate throughout the United States delivering value-added electricity and natural gas service at retail to residential, commercial and industrial energy customers. More information on RESA can be found at www.resausa.org.

**MEMORANDUM IN SUPPORT OF
THE MOTION TO INTERVENE**

Ohio Revised Code Section (“R.C.”) 4903.221 and Ohio Administrative Code Rule 4901-1-11 establish the standard for intervention in the above-styled proceeding as a full party of record. Rule 4901-1-11 of the Ohio Administrative Code states in part:

Upon timely motion, any person shall be permitted to intervene in a proceeding upon a showing that:

* * *

(2) The 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.

In addition to establishment of a direct interest, the factors that the Public Utilities Commission of Ohio (the “Commission”) considers in implementing the above rule are the nature of the intervenor’s interest, the extent that interest is represented by existing parties, the intervenor’s potential contribution to a just and expeditious resolution of the issues involved, and whether intervention would result in an undue delay of the proceeding. *See also* R.C. 4903.221(B) upon which the above rule is authorized. A review of these factors in light of the following facts supports granting RESA’s intervention.

RESA is a broad and diverse group of knowledgeable and experienced retail energy suppliers who share the common vision that competitive retail energy markets deliver a more efficient, customer-oriented outcome than regulated utility structure. RESA members are certified as competitive retail natural gas service (“CRNGS”) suppliers and have been active in the Ohio retail natural gas markets providing service to residential, commercial, industrial and governmental customers. They are active in the competitive market in the service territory of The East Ohio Gas Company d/b/a Dominion Energy Ohio (“Dominion”).

On September 14, 2018, Ohio Partners for Affordable Energy (“OPAE”) filed a motion in this proceeding to modify the existing exemption granted to The East Ohio Gas Company d/b/a Dominion Energy Ohio pursuant to R.C. 4929.08. Under the exemption, Dominion discontinued the availability of its standard choice offer and the non-shopping customers receive commodity service from the next available CRNGS supplier on a rotating list maintained by Dominion pursuant to the CRNGS supplier’s applicable monthly variable rate (“MVR”). OPAE asks the Commission to eliminate the MVR and re-establish the SCO for all non-shopping customers – residential and non-residential customers.²

The Commission’s ruling in this matter will affect the development of the competitive market in Dominion’s service territory. OPAE’s request will not further advance the competitive market as required by Ohio’s natural gas policy in R.C. 4929.02(A)(6), and instead will directly affect whether and how CRNGS suppliers in Dominion’s choice program can provide service to the non-shopping customers. As such, CRNGS suppliers, including RESA and its members, have existing and potential business interests in Ohio that will be directly affected by the outcome of the proceeding.

It is noteworthy that the Commission has previously found that RESA has a real and substantial interest in the MVR issues. RESA was granted intervention and participated in Case No. 12-1842-GA-EXM. The Commission should find again that RESA continues to have a real and substantial interest in the MVR issues as it would be affected by OPAE’s motion in this proceeding.

² OPAE previously asked the Commission to eliminate the MVR and re-establish the SCO for only the non-shopping non-residential customers by a motion filed on March 12, 2018, in *In the Matter of the Joint Motion to Modify the June 18, 2008 Opinion and Order in Case No. 07-1224-GA-EXM*, Case No. 12-1842-GA-EXM. The Ohio Consumers’ Counsel also filed a motion asking the Commission to eliminate the MVR and re-establish the SCO for the non-shopping residential customers in Case No. 12-1842-GA-EXM. In September 2018, the Attorney Examiner ordered both to re-file their motions in the instant docket. Neither complied with that directive. OPAE did not simply refile; OPAE filed a new, broader motion on September 14, 2018. OCC did not re-file at all; instead, it filed a motion to intervene on February 1, 2019.

No existing parties represent RESA's interests. OP&AE certainly does not represent RESA's interests. The Ohio Consumers' Counsel and Dominion are the only others who have filed motions to intervene in this proceeding. Their interests are not the same as RESA's interests either.

RESA's members are knowledgeable of the competitive industry in Ohio and across the country. RESA, in addition, has a long history of participating in numerous Commission proceedings, contributing, and providing substantial reliable evidence that the Commission has relied upon time and again. As a supplier organization, RESA can readily contribute to a just and expeditious resolution of the issues involved with OP&AE's motion.

RESA's intervention will not result in an undue delay of the proceeding. Moreover, since no procedural schedule has been established for this case, RESA's intervention cannot cause delay.

For all of these reasons, RESA satisfies the requirements for intervention in this Commission proceeding. RESA respectfully requests that the Commission grant this motion to intervene and that RESA be made a full party of record.

Respectfully Submitted,

/s/ Gretchen L. Petrucci

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CERTIFICATE OF SERVICE

The Public Utilities Commission of Ohio's e-filing system will electronically serve notice of the filing of this document on the parties referenced on the service list of the docket card who have electronically subscribed to the case. In addition, the undersigned certifies that a courtesy copy of the foregoing document is also being served (via electronic mail) on this 15th day of April 2019 upon the following persons/entities listed below:

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