

**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. 18-1908-GA-UNC
Energy Ohio for Implementation of the Tax)
Cuts and Jobs Act of 2017)**

**In the Matter of the Application of The)
East Ohio Gas Company d/b/a Dominion) Case No. 18-1909-GA-ATA
Energy Ohio for Approval of Tariff)
Amendments)**

**MOTION TO INTERVENE OF
THE RETAIL ENERGY SUPPLY ASSOCIATION**

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

Respectfully Submitted,

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¹ The comments expressed in this filing represent the position of 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 (“Rule”) 4901-1-11 establish the standard for intervention in the above-styled proceedings as a full party of record. Rule 4901-1-11 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 electric and natural gas service suppliers and have been active in the Ohio retail electric and natural gas markets providing service to residential, commercial, industrial and governmental customers. They are active in the competitive markets throughout Ohio.

On December 13, 2018, The East Ohio Gas Company d/b/a Dominion Energy Ohio (“DEO”) filed an application to adopt a new tariff called the Tax Savings Credit Rider (“TSCR”) as a result of the Tax Cuts and Jobs Act of 2017 (“TCJA”). The TSCR would return to customers’ tax savings resulting from the TCJA and this proceeding could also result in rate adjustments as a result of the TCJA. One charge that DEO proposed in its application was to adjust the Firm Storage Service rate that RESA’s members currently pay (see Application at ¶ 14 noting reduction in base rates for all sales, transportation and storage service rate schedules).

RESA’s expectation in this proceeding based on DEO’s preferred proposal and our understanding of Staff’s recommendation is that RESA members purchasing Firm Storage Service under DEO’s tariff would be subject to a rate reduction as a result of the TCJA and/or that the TSCR would provide for a credit to RESA members that have purchased and will purchase DEO’s tariffed Firm Storage Service going forward. DEO’s application and reply comments indicate such an intent under its preferred proposal, but there appears to still be ambiguity in this proceeding on whether the Firm Storage Service rates and charges will be accounted for in this proceeding under Rider TSCR as a result of the TCJA. For example, while the Staff Report indicates that Staff accepted DEO’s calculations, Staff also referenced applying Rider TSCR to “distribution rates going forward.” (Staff Report at 4.) DEO replied to the Staff Report through comments on March 26, 2019 recognizing that the ambiguity in the Staff Report and requesting that “[t]he Commission should explicitly affirm DEO’s calculation of the 5.608 percent impact on sales, transportation, and storage service rates to avoid any question as to the appropriate amount to be credited to customer bills.”

Accordingly, because this issue has not been resolved at this point in the proceeding between DEO and other parties and because the resolution of that issue will affect RESA

members' business interests, it seeks to intervene in this proceeding. RESA's members are knowledgeable of the competitive industry in Ohio and across the country. As a supplier organization, RESA can readily contribute to a just and expeditious resolution of the issues involved. RESA is not represented by any other party and its intervention will not result in an undue delay of the proceeding as RESA will comply with all established deadlines in this proceeding.

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 the 5th day of September 2019 upon all persons/entities listed below:

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