

**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. 17-820-GA-ATA**
East Ohio for Approval of Changes in)
Rules and Regulations)

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

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

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

Respectfully Submitted,

/s/ Michael J. Settineri
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Counsel for the Retail Energy Supply Association

**MEMORANDUM IN SUPPORT OF
THE MOTION TO INTERVENE OF
THE RETAIL ENERGY SUPPLY ASSOCIATION**

The Retail Energy Supply Association¹ (“RESA”) is a broad and diverse group of retail energy suppliers who share the common vision that competitive retail energy markets deliver a more efficient, customer-oriented outcome than regulated utility structure. Many of RESA’s members are certified as competitive retail natural gas service (“CRNGS”) providers and are active in the Ohio retail markets providing service to residential, commercial, industrial and governmental customers. In addition, some of RESA’s members currently provide competitive retail natural gas service to retail customers in the service area of The East Ohio Gas Company d/b/a Dominion East Ohio (“DEO”).

The standard for intervention at the Public Utilities Commission of Ohio (“Commission”) is governed by Rule 4901-1-11, Ohio Administrative Code, promulgated pursuant to Section 4903.221, Revised Code. Rule 4901-1-11, 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.

When deciding a motion to intervene, the factors that the Commission considers in implementing the above rule are the nature of the intervenor’s interest, the extent that interest is

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 more than twenty 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.

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* Section 4903.221(B), Revised Code. A review of the intervention criteria in light of the following facts supports granting RESA's intervention.

In its application, DEO is seeking to add provisions to its tariff that will require suppliers with customers in the Ashtabula, Ohio area to accept and use certain new capacity from an unbuilt pipeline, or risk removal of the customer from DEO's Choice program.² Additionally, DEO's proposed language would declare the supplier to be in default if a supplier fails to accept and use that new capacity, potentially triggering numerous consequences including the supplier's ability to participate in DEO's Choice program.³ The language appears to reflect permanent changes on the capacity to be used for customers in the Ashtabula, Ohio area. These proposed tariff changes would affect suppliers with customers in the Ashtabula, Ohio area, as well as suppliers who obtain new customers in the area in the future. It also raises concerns whether the utility can propose similar mandates elsewhere in its service territory related to its acquisition of specific contract capacity.

DEO asks the Commission to rule on the language expeditiously, but it did not inform the affected supplier community of the proposed tariff changes, nor has it established a need for mandating that suppliers utilize that specific capacity. Also, the application does not indicate whether suppliers will be provided sufficient notice in order to make adjustments in their service supplies if the application is approved. Notice is important because it is unknown when the tariff revisions could be triggered as the pipeline is not in service.

² *See, e.g.*, proposed paragraph 4.3 of Sheet ECPS 14.

³ *See*, proposed paragraph 26.3 of Sheet ECPS 51.

RESA's members have existing and potential business interests in the State that will be affected by the outcome of the proceeding. The Commission's decision in this matter will affect the competitive retail natural gas market in DEO's service territory, including the Ashtabula area, in which RESA members provide CRNGS services to retail service customers.

No other party to this proceeding represents RESA's interests. RESA is an association of knowledgeable, experienced suppliers who can contribute to a just and expeditious resolution of the issues involved. Also, RESA's intervention request is timely and its intervention would not result in an undue delay of the proceeding.

The undersigned will accept service by electronic mail.

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/ Michael J. Settineri
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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 in the service list of the docket card who have electronically subscribed to these cases. In addition, the undersigned certifies that a courtesy copy of the foregoing document is also being served upon the persons below via electronic mail this 13th day of April 2017.

/s/ Michael J. Settineri

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