

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC TARIFF FILING OF COLUMBIA	)	
GAS OF KENTUCKY, INC. TO EXTEND ITS	)	CASE NO.
SMALL VOLUME GAS TRANSPORTATION	)	2021-00386
SERVICE	)	

ORDER

This matter arises upon the motion of the Interstate Gas Supply, Inc. (IGS) and Constellation New Energy, Gas Division, LLC (CNEG), filed January 7, 2022, for full intervention. As a basis for their motion, IGS and CNEG stated that IGS and CNEG are active suppliers in Columbia Gas of Kentucky, Inc.'s (Columbia Kentucky) CHOICE Program. Columbia Kentucky's CHOICE program consists of Columbia Kentucky's Small Gas Transportation Service tariff and Small Volume Aggregation Service tariff. Additionally, IGS and CNEG maintained that IGS is the largest competitive supplier in the CHOICE program. IGS and CNEG stated that they each offer different products to their customers in the CHOICE program, sometimes locking in rates for significant periods of time, and that changes in the CHOICE program's tariffs impact IGS and CNEG and their customers. IGS and CNEG maintained changes in the CHOICE program which could significantly impact IGS and CNEG's cost structure. Because of this IGS and CNEG argued they have an interest in the rates or services of Columbia Kentucky. IGS and CNEG stated that they bring a broad spectrum of experience to this proceeding. Finally IGS and CNEG argued there is no other party that can represent their interest in this proceeding

## LEGAL STANDARD

The only person who has a statutory right to intervene in a Commission case is the Attorney General of the Commonwealth of Kentucky, pursuant to KRS 367.150(8)(b). Intervention by all others is permissive and is within the sole discretion of the Commission.<sup>1</sup>

The statutory standard for permissive intervention, KRS 278.040(2), requires that “the person seeking intervention must have an interest in the ‘rates’ or ‘service’ of a utility, since those are the only two subjects under the jurisdiction of the PSC.”<sup>2</sup>

The regulatory standard for permissive intervention, set forth in 807 KAR 5:001, Section 4, is twofold. Commission regulation 807 KAR 5:001, Section 4(11) requires a person to set forth in the motion to intervene either (1) a special interest in the proceeding that is not otherwise adequately represented in the case, or (2) that intervention is likely to present issues or develop facts that will assist the Commission in fully considering the matter without unduly complicating or disrupting the proceedings.

## DISCUSSION AND FINDINGS

Based on a review of the pleadings at issue and being otherwise sufficiently advised, the Commission finds that IGS and CNEG demonstrated that IGS and CNEG have a special interest in the proceeding over which the Commission has jurisdiction that is not otherwise adequately represented or that IGS and CNEG are likely to present

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<sup>1</sup> *Inter-County Rural Electric Cooperative Corporation v. Public Service Commission of Kentucky*, 407 S.W.2d 127, 130 (Ky. 1966).

<sup>2</sup> *EnviroPower, LLC v. Public Service Commission of Kentucky*, No. 2005-CA-001792-MR, 2007 WL 289328 at 3 (Ky. App. Feb. 2, 2007).

issues or develop facts that will assist the Commission in considering this matter without unduly complication the proceedings, for the reasons discussed below.

As active suppliers in Columbia Kentucky's CHOICE program, IGS and CNEG will be greatly impacted if the program is not extended. This is a special interest, and an interest directly related to rates or service of a utility.

Additionally, both IGS and CNEG, as active suppliers of natural gas in Columbia Kentucky's CHOICE program are in a position to present issues and develop facts that will ensure the Commission's decision in this matter is supported by a robust record.

Based on the above, the Commission finds that IGS and CNEG should be granted full rights of a party in this proceeding. The Commission directs IGS and CNEG to the Commission's July 22, 2021 Order in Case No. 2020-00085<sup>3</sup> regarding filings with the Commission.

IT IS HEREBY ORDERED that:

1. The motion of IGS and CNEG to intervene is granted.
2. IGS and CNEG shall be entitled to the full rights of a party and shall be served with the Commission's Orders and with filed testimony, exhibits, pleadings, correspondence, and all other documents submitted by parties after the date of this Order.
3. IGS and CNEG shall comply with all provisions of the Commission's regulations, 807 KAR 5:001, Section 8, related to the service and electronic filing of documents.

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<sup>3</sup> Case No. 2020-00085, *Electronic Emergency Docket Related to the Novel Coronavirus COVID-19* (Ky. PSC July 22, 2021), Order (in which the Commission ordered that for case filings made on and after March 16, 2020, filers are NOT required to file the original physical copies of the filings required by 807 KAR 5:001, Section 8).

4. IGS and CNEG shall adhere to the procedural schedule set forth in the Commission's December 7, 2021 Order and as amended by subsequent Orders.

5. Pursuant to 807 KAR 5:001, Section 8(9), within seven days of entry of this Order, IGS and CNEG shall file a written statement with the Commission that:

a. Certifies that they, or their agent, possesses the facilities to receive electronic transmissions; and

b. Sets forth the electronic mail address to which all electronic notices and messages related to this proceeding should be served.

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By the Commission

ENTERED  
JAN 13 2022 rCS  
KENTUCKY PUBLIC  
SERVICE COMMISSION

ATTEST:

  
Executive Director

\*L Allyson Honaker  
Goss Samford, PLLC  
2365 Harrodsburg Road, Suite B325  
Lexington, KENTUCKY 40504

\*David S Samford  
Goss Samford, PLLC  
2365 Harrodsburg Road, Suite B325  
Lexington, KENTUCKY 40504

\*James Deckard  
Hurt, Deckard & May  
The Equus Building  
127 West Main Street  
Lexington, KENTUCKY 40507

\*Judy M Cooper  
Director, Regulatory Services  
Columbia Gas of Kentucky, Inc.  
2001 Mercer Road  
P. O. Box 14241  
Lexington, KY 40512-4241

\*Joseph M. Clark  
Columbia Gas of Kentucky, Inc.  
2001 Mercer Road  
P. O. Box 14241  
Lexington, KY 40512-4241

\*Honorable Matthew R Malone  
Attorney at Law  
Hurt, Deckard & May  
The Equus Building  
127 West Main Street  
Lexington, KENTUCKY 40507

\*Columbia Gas of Kentucky, Inc.  
290 W Nationwide Blvd  
Columbus, OH 43215