

**COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION**

In the matter of: : CASE NO. 2017-00115

TARIFF FILING OF COLUMBIA GAS OF :
KENTUCKY, INC. TO EXTEND ITS SMALL :
VOLUME GAS TRANSPORTATION :
SERVICE :

RECEIVED

APR 19 2017

PUBLIC SERVICE
COMMISSION

**MOTION OF RETAIL ENERGY SUPPLY ASSOCIATION TO RECONSIDER
COMMISSION'S ORDER DENYING INTERVENTION OR IN THE ALTERNATIVE
FOR CONSTELLATION ENERGY GAS CHOICE, LLC, AS A PARTICIPATING RESA
MEMBER TO BE GRANTED INTERVENTION**

Comes the Retail Energy Supply Association ("RESA"), by counsel, and moves the Commission to reconsider its Order denying intervention, re-requesting the Commission grant its intervention and in support thereof submits as follows:

An Administrative Agency has the authority, just as has a court, to reconsider and change its orders during the time it retains control over any question under submission to it. *Union Light, Heat & Power Co. v. Public Service Commission*, 271 S.W.2d 361 (Ky.App.1954). Likewise, KRS 278.400 provides RESA a basis here to request reconsideration as well.

The Commission denied RESA's Motion to Intervene in the above-referenced matter on April 5, 2017 deciding that the only interest that RESA arguably has in the natural gas rates and service of Columbia is as a trade association of national retail energy providers with a generalized interest in the Choice Program, and that interest is too remote to justify intervention here. *Order* herein, dated April 5, 2017, p. 2. However, in this particular case, RESA intends to bring to the proceeding the experience and expertise of participating RESA member Constellation Energy Gas Choice, LLC ("CEGC"). CEGC is an active participant in the Columbia Choice Program having several thousand customers. CEGC is headquartered in

Houston Texas with its natural gas office located at 1221 Lamar Street, Suite 750, Houston, Texas 77010. CEGC frequently collaborates with and intervenes in utility related matters through the assistance of RESA.

I. *RESA and by extension CEGC has an interest in the rate or service of Columbia.*

Anyone seeking to intervene must have an interest in the “rates” or “service” of a utility. KRS 278.040(2). KRS 278.010(12) defines “Rate” as any...charge...for service rendered or to be rendered by any utility, and any...rule, regulation, practice, act...or privilege in any way relating to such...charge...and any schedule or tariff or part of a schedule or tariff thereof. KRS 278.010(13) defines “Service” as any practice or requirement in any way relating to the service of any utility, including...the heat units and pressure of gas...and in general the quality, quantity, and pressure of any commodity or product used or to be used for or in connection with the business of any utility...

In the case at bar, Columbia seeks to continue the Choice Program and based on that tariff filing the Commission has opened an investigation. The Attorney General and Commission Staff have posed data requests of Columbia pertaining to effectiveness of the Choice Program among other things. RESA and by extension CEGC has direct involvement with the Columbia Choice Program and Rates thereof and “Rate” refers to any charge involving a tariff. KRS 278.010(12). The Commission’s investigation of the Choice Program “Rates” and “Services” and inquiry into the extension of the Choice Program affects RESA and by extension CEGC. Accordingly, RESA through CEGC has special interest in the “Rates” and “Services” of Columbia in this proceeding. KRS 278.010(12); KRS 278.010(13).

Moreover, CEGC cannot quit offering gas supply mid-contract to customers yet failing to grant intervention here with possible changes looming to the Choice Program seems punitive in light of CEGC's direct involvement with Choice Program Rates and Services.

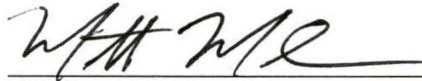
II. The extension of the Choice Program is of paramount concern to RESA and by extension CEGC.

It is unreasonable to have a proceeding where potential changes to the Choice Program loom that could significantly impact CEGC's cost structure, and not give CEGC through RESA an opportunity to weigh-in or give its input. For these reasons the Commission's decision to deny RESA's intervention should be reconsidered and intervention should be granted.

There is no party that can represent RESA's interest in this proceeding other than RESA and by extension CEGC and RESA/CEGC has a special interest in the proceeding. RESA's participation in this proceeding will not unduly complicate or disrupt the proceeding. RESA will also abide by the existing procedural schedule if granted intervention. For these reasons RESA or alternatively CEGC as a member of RESA should be granted intervention and the Commission should reconsider its previous decision.

Respectfully submitted,

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CERTIFICATE OF SERVICE

Counsel certifies that an original and ten (10) copies of the foregoing were served and filed by hand-delivery to Dr. Talina Mathews, Executive Director, Public Service Commission, 211 Sower Boulevard, Frankfort, Kentucky 40601; counsel further states that true and accurate copies of the foregoing were mailed via First Class Mail U.S. Mail, postage prepaid, to:

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This 19th day of April, 2017



ATTORNEY FOR RESA