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June 15, 2018

**HAND DELIVERED**

Gwen R. Pinson  
Executive Director  
Public Service Commission  
211 Sower Blvd.  
Frankfort, KY 40601

RECEIVED

JUN 15 2018

PUBLIC SERVICE  
COMMISSION

RE: KY PSC Case No. 2018-00164

Dear Ms. Pinson,

Enclosed please find the original and ten (10) copies of Columbia Gas of Kentucky Inc.'s Motion to Intervene in the above captioned matter. Please do not hesitate to contact me with any questions regarding this filing.

Sincerely,

A handwritten signature in blue ink that reads "Brooke E. Wancheck". The signature is written over a horizontal line.

Brooke E. Wancheck  
Assistant General Counsel

Enclosure(s)

Dated June 15<sup>th</sup> 2018

Respectfully submitted,

Brooke E. Wancheck

Brooke E. Wancheck,

Assistant General Counsel

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Attorney for

**COLUMBIA GAS OF KENTUCKY, INC**

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Motion was served upon all parties of record by regular U.S. Mail and electronic mail this 15<sup>th</sup> day of June, 2018.



Brooke E. Wancheck

Attorney for  
**COLUMBIA GAS OF KENTUCKY,  
INC.**

**SERVICE LIST**

Hon. John N. Hughes  
124 W. Todd St.  
Frankfort, KY 40601  
jnhughes@johnnhughespcc.com

RECEIVED

JUN 15 2018

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION PUBLIC SERVICE  
COMMISSION

In the Matter of: )  
 )  
The Filing of a Special Contract by ) Case No. 2018-00164  
Natural Energy Utility Corporation )

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MOTION TO INTERVENE OF COLUMBIA GAS OF KENTUCKY, INC.

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Now comes Columbia Gas of Kentucky, Inc. ("Columbia"), pursuant to 807 KAR 5:001 Sec. 4(11) and respectfully moves the Kentucky Public Service Commission ("Commission") for an Order granting Columbia full intervention in the above-captioned matter. In support of this motion, Columbia states as follows:

Columbia is engaged in the business of furnishing natural gas service to the public in certain counties in the Commonwealth of Kentucky, pursuant to authority granted by the Commission. On May 1, 2018, National Energy Utility Corporation ("NEUC"), filed for approval from the Commission a special contract to serve a customer in Ashland, Kentucky, Boyd County. At the same time, NEUC filed for confidential treatment of the special contract, providing publically, only a heavily redacted version of the contract. On May 31, the Commission issued an

order suspending the effective date of the contract for 5 months and on June 7, issued an Order setting forth a procedural schedule.

While NEUC filed for approval of a special contract, as well as a motion for confidential treatment, NEUC has *not* filed for a Certificate of Public Convenience and Necessity. KRS 278.020 (1) states:

No person, partnership, public or private corporation, or combination thereof shall commence providing utility service to or for the public or begin construction of any plant, equipment, property or facility for furnishing to the public any of the services enumerated in KRS 278.010...

KRS 278.020 (1) does provide an exception for “ordinary extensions of existing systems in the usual course of business.” 807 KAR 5:001, Section 15 (3) provides further clarification and states:

No certificate of public convenience and necessity will be required for extensions that do not create wasteful duplication of plant, equipment, property or facilities, or conflict with the existing certificates or service of the other utilities operating in the same area and under the jurisdiction of the Commission that are in the general area in which the utility renders service or contiguous thereto, and that do not involve sufficient capital outlay to materially affect the existing financial condition of the utility involved, or will not result in increased charges to its customers.

In its cover letter, NEUC asserts, without any evidentiary support, that it already serves customers in the area and that a certificate of public service and convenience isn't necessary. NEUC specifically states, “there is no other regulated-utility with service adjacent to or near the property.” Because a large

portion of the special contract is redacted, the only identifying information of the facilities to be constructed by NEUC are described as being in Ashland, Kentucky, Boyd County. Columbia also serves customers in Ashland, Kentucky, Boyd County. Construction of NEUC facilities could be a wasteful duplication of facilities.

Columbia requests intervention in order to help the Commission determine whether the NEUC project competes with existing facilities of Columbia, thus requiring a Certificate of Public Convenience and Necessity. 807 KAR 5:001 Sec. 4(11)(b) permits intervention by a party if that party has made a timely motion and “that he or she has a special interest in the case that is not otherwise adequately represented or that his or her intervention is likely to present issues or to develop facts that assist the Commission in fully considering the matter without unduly complicating or disrupting the proceedings.”

The Commission set the deadline for intervention for June 15, 2018 and the instant motion meets that deadline. Additionally, Columbia can help the Commission identify where its existing facilities are to help determine whether NEUC’s proposed facilities at the heart of the special contract are duplicative and wasteful. Only Columbia can identify the location of its facilities and existing customers. There is no other party to this proceeding that can attest to these facts. Given that the Commission’s procedural schedule contemplates intervention and

data requests, Columbia's full participation in the proceeding will not unduly complicate or disrupt the proceeding.

For all of the foregoing reasons, Columbia respectfully requests that this Commission grant it full intervenor status.