

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

TARIFF FILING OF COLUMBIA GAS OF)
KENTUCKY, INC. TO EXTEND ITS SMALL) CASE NO. 2017-00115
VOLUME GAS TRANSPORTATION SERVICE)

ORDER

This matter is before the Commission upon a motion filed on April 19, 2017, by Retail Energy Supply Association, Inc. ("RESA") to request a reconsideration of the Commission's April 5, 2017 Order that denied RESA's motion to intervene in this proceeding, or, in the alternative, that Constellation Energy Gas Choice, LLC ("CEGC") be granted intervention as a RESA member. In the April 5, 2017 Order, the Commission found that RESA lacked the necessary interest in the natural gas rates or natural gas service provided by Columbia Gas of Kentucky, Inc. ("Columbia") sufficient to justify intervention. The Commission further found that the only interest that RESA had 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, which is the subject of this proceeding.

In support of its request for reconsideration, RESA states that it has an interest in the rates and service of Columbia because RESA "intends to bring to the proceeding the experience and expertise of participating RESA member Constellation Energy Gas Choice, LLC ('CEGC')." ¹ RESA further states that CEGC is an active participant in

¹ RESA's Motion for Reconsideration (filed Apr. 19, 2017) at 1.

Columbia's Choice program. RESA contends that it, and "by extension CEGC," has direct involvement with, and "paramount concern" in, the Choice program.²

Should the Commission not grant RESA's motion for reconsideration, RESA requests that CEGC be granted intervention as a participating RESA member. In support of its request, RESA states that potential changes to the Choice program could significantly impact CEGC's cost structure.

Having reviewed the pleadings and being otherwise sufficiently advised, the Commission finds that RESA has failed to establish any grounds to justify granting a reconsideration of the April 5, 2017 Order, and thus its motion for reconsideration should be denied. As noted by the Commission in the April 5, 2017 Order, RESA does not receive natural gas service from Columbia, is not a customer of Columbia, does not pay any rates charged by Columbia, does not represent ratepayers of Columbia, and does not participate in the Choice program. RESA's generalized interest in the Choice program as a trade association is too remote to justify intervention. RESA's assertion that it will bring CEGC's experience to this proceeding is insufficient to establish a special interest, especially as this assertion is a distinction without a difference from RESA's assertion in its March 17, 2017 motion to intervene that it would bring experience of its members to this proceeding.

The Commission further finds that RESA's request for the Commission to grant intervention to CEGC appears to be made on behalf of CEGC and does not set forth any evidence that counsel for RESA is authorized to represent CEGC or to file a request to intervene on behalf of CEGC. RESA states that it is "unreasonable" to have a proceeding that could impact CEGC's cost structure "and not give CEGC through

² *Id.* at 2.

RESA” the opportunity to provide input.³ The Commission takes note that CEGC could have timely filed a request to intervene, but, to date, has not done so. For the reasons set forth above, the Commission denies RESA’s request that the Commission grant intervention to CEGC.

RESA will have ample opportunity to participate in this proceeding even though it was not granted intervenor status. It can review all public documents filed in this case and monitor the proceedings via the Commission’s website at the following address: https://psc.ky.gov/PSC_WebNet/ViewCaseFilings.aspx?Case=115. In addition, RESA may file comments as frequently as it chooses, and those comments will be entered into the record of this case. Finally, if a formal evidentiary hearing is held, RESA will be provided an opportunity at the beginning to present any information that it wishes for the Commission’s consideration in this matter.

IT IS HEREBY ORDERED that RESA’s motion for reconsideration is denied.

By the Commission



ATTEST:


Executive Director

³ *Id.* at 3. The Commission notes that Columbia’s existing Choice program tariff has a termination date of March 31, 2017.

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