

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

On February 28, 2022, the intervenors in this matter, XOOM Energy Kentucky, LLC (XOOM); Interstate Gas Supply, Inc. (IGS); and Constellation New Energy, Gas Division, LLC (CNEG) filed a joint motion requesting that the Commission issue an Order granting Columbia Gas of Kentucky, Inc. (Columbia Kentucky) authority to continue operating the CHOICE program until the conclusion of this proceeding.

In support of the motion, XOOM, IGS, and CNEG stated that in Case No. 2017-00115,¹ the Commission extended the term of Columbia Kentucky's pilot CHOICE program through March 31, 2022. Additionally, XOOM, IGS, and CNEG referred to the direct testimony in this proceeding of Director of Regulatory Affairs for Columbia Kentucky, Judy Cooper, and Columbia Kentucky's response to Commission Staff's Second Request for Information, both of which indicate that absent an Order of the Commission allowing the program to continue will result in all participants being returned to the applicable General Sales Service Rate Schedule effective with Columbia Kentucky's April 2022 billing cycle, and that Columbia Kentucky would begin supplying

¹ Case No. 2017-00115, *Tariff Filing of Columbia Gas of Kentucky, Inc. to Extend Its Small Volume Gas Transportation Service* (Ky. PSC June 19, 2017).

the natural gas commodity to customers rather than the customer's previously selected Customer CHOICE provider.²

XOOM, IGS, and CNEG argued that if Columbia Kentucky returns all CHOICE program customers to service with Columbia Kentucky instead of the customer's selected marketer of natural gas, Columbia Kentucky will essentially be interfering in the customer's contractual choice to take service with their selected supplier, and in doing so will essentially terminate the contracts between the marketers and the customers. Finally, XOOM, IGS, and CNEG argued that if the Commission does not issue an Order extending the March 31, 2022 termination date for the CHOICE program, but ultimately decides to allow the program to continue, customers will be prejudiced and inconvenienced. XOOM, IGS, and CNEG maintained this is because customers who are returned to Columbia Kentucky for the supply of the natural gas commodity will be forced to break their contract with their chosen supplier, and will be unable to select a new supplier for at least one billing cycle and perhaps longer.³

On March 7, 2022, Columbia Kentucky filed a response to the motion, which indicated that Columbia Kentucky supports continuing the CHOICE program through the pendency of this proceeding. Additionally, Columbia Kentucky stated that its tariff requires that all contracts between marketers and participating customers contain a

² Direct Testimony of Judy M. Cooper (filed Jan. 18, 2022) at 5; and Columbia Kentucky's Response to Commission Staff's Second Request for Information (filed Feb. 18, 2022), Item 3.

³ XOOM, IGS, and CNEG cited Columbia Kentucky's Response to XOOM's First Request for Information (filed Feb. 19, 2022), Item 7, and indicated that customers may switch to or between suppliers on the first day of every month. Suppliers must inform Columbia Kentucky of a switch 15 days before the end of the month for the switch to be effective on the first day of the month. If a switch request is inside that 15-day window, the switch will be effectuated on the first day of the next month.

provision that allows the contract to be terminated without penalty should the CHOICE program be terminated prior to the end of any contractual duration.⁴

DISCUSSION

To ensure a robust record in this matter, on December 7, 2021, the Commission issued an Order revising the procedural schedule in this proceeding and requiring Columbia Kentucky to serve a copy of its tariff filing, copies of the October 18, 2021 and December 7, 2021 Orders, and the revised procedural schedule on all approved CHOICE program marketers. The Commission took this action because the CHOICE program has continued as a pilot for a prolonged period, and the Commission determined a comprehensive review was necessary. Columbia Kentucky has offered the CHOICE program as a pilot since 2000.⁵ Although there have been changes to the program, it has continued on a pilot basis for over two decades. The Commission finds that allowing this long-standing program to expire and abruptly terminating the contracts currently in place is not consistent with the principle of establishing reasonable rules to govern the conduct of a regulated utility's business and the conditions under which it shall be required to render service found in KRS 278.030(2).

Having reviewed the motion and the response and being otherwise sufficiently advised, the Commission finds that the motion to extend the CHOICE program is granted.

⁴ Columbia Kentucky's Current Tariff, *General Terms, Conditions, Rule and Regulations Applicable to Small Volume Aggregation Service Rate Schedule Only*, First Revised Sheet No. 37, Code of Conduct, Item 7.

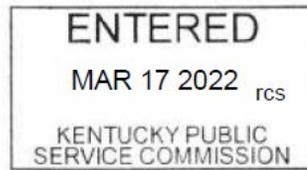
⁵ Case No. 1999-00165, *The Tariff Filing of Columbia Gas of Kentucky, Inc. to Implement a Small Volume Gas Transportation Service, to Continue Its Gas Cost Incentive Mechanisms, and to Continue Its Customer Assistance Program* (Ky. PSC Jan. 27, 2000), Order at 27.

IT IS THEREFORE ORDERED that:

1. The February 28, 2022 joint motion by XOOM, IGS, and CNEG is granted.
2. The CHOICE program is extended under its current terms and conditions until a final Order is entered in this proceeding.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

By the Commission



ATTEST:

A handwritten signature in blue ink that reads "Linda C. Bridwell". The signature is written in a cursive style and is positioned above a horizontal line.

Executive Director

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

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

*Brian R Greene
GreeneHurlocker, PLC
4908 Monument Avenue, Suite 200
Richmond, VIRGINIA 23230

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

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

*Victoria L Howell
GreeneHurlocker, PLC
4908 Monument Avenue, Suite 200
Richmond, VIRGINIA 23230

*Gregory T Dutton
Frost Brown Todd, LLC
400 West Market Street
32nd Floor
Louisville, KENTUCKY 40202-3363

*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