

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of

Adjustment of Rates of Columbia Gas of)
Kentucky, Inc.) Case No. 2016-00162

**OBJECTION AND RESPONSE OF COLUMBIA GAS
OF KENTUCKY, INC. TO MOTION OF DIRECT ENERGY
BUSINESS MARKETING, LLC FOR FULL INTERVENTION**

Columbia Gas of Kentucky, Inc. (“Columbia”) hereby submits its objection and response to the motion of Direct Energy Business Marketing, LLC (“Direct Energy”) for Full Intervention in this proceeding. Columbia respectfully requests that the Commission deny the motion of Direct Energy to intervene in this proceeding for the following reasons: (i) Direct Energy does not have a special interest that should be protected or represented; (ii) Direct Energy will not assist the Commission in fully considering this matter; and (iii) Direct Energy’s intervention will unduly complicate and disrupt this proceeding. Direct Energy does not satisfy the requirements of 807 KAR 5:001, Section 4(11)(b) and its Motion for Full Intervention should be denied.

Direct Energy Does Not Have a Special Interest.

Direct Energy’s motion for full intervention contains no information upon which the Commission could conclude it has a special interest that should be protected or

represented in this proceeding. It alleges that it serves customers in the service territories of four local distribution companies in Kentucky, but does not mention Columbia.¹ Direct Energy admits that it does not serve customers in Columbia's Choice Program (and is not a customer of Columbia), but claims that "the outcome of this proceeding **could** impact whether Direct Energy participates in the program in the **future**."² Direct Energy says that the "Commission's actions **could** have a substantial impact on Direct Energy's **future** involvement in the market."³ These possible effects in the future are too attenuated to support a request for full intervention. Direct Energy further alleges that it has differing goals than other parties to this proceeding,⁴ although it does not identify those goals. The mere allegation of the presence of differing goals does not translate into a special interest that should be protected or represented.

Direct Energy Will Not Assist the Commission And Will Unduly Complicate and Disrupt the Proceeding.

Direct Energy claims that its participation in this proceeding will lead to the presentation of relevant facts and issues that will assist the Commission,⁵ but does not say what facts or issues it will present. In the same paragraph Direct Energy says that it

¹ Motion for Full Intervention, p. 1. In fact, Direct Energy sells gas to ten Columbia traditional transportation customers, but that simply makes Direct Energy a competitor of Columbia, which does not provide grounds for full intervention. *In the Matter of: Joint Application of Duke Energy Corporation, Cinergy Corp., Duke Energy Ohio, Inc., Duke Energy Kentucky, Inc., Diamond Acquisition Corporation, and Progress Energy, Inc. for Approval of the Indirect Transfer of Control of Duke Energy Kentucky, Inc.*, Case No. 2011-00124, Order dated May 12, 2011; Case No. 2007-00008, *In the Matter of: Adjustment of Rates of Columbia Gas of Kentucky, Inc.*; Order dated May 3, 2007.

² *Id.*, p. 2. (Emphasis added.)

³ *Id.* (Emphasis added.)

⁴ *Id.*

⁵ *Id.*

is participating in a proceeding involving a Columbia affiliate in a different state,⁶ but that circumstance has no relevance to this proceeding in this state. The inclusion of Direct Energy in this proceeding would necessarily complicate and disrupt the proceeding because it has no interest to be protected and nothing to offer which might assist the Commission.

For all of the foregoing reasons, Direct Energy's Motion for Full Intervention should be denied.

Dated July 1, 2016.

Respectfully submitted,

**COLUMBIA GAS OF KENTUCKY,
INC.**

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⁶ *Id.*

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