

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

IN THE MATTER OF	*	
	*	_____
ELECTRONIC TARIFF FILING OF	*	
COLUMBIA GAS OF KENTUCKY, INC.	*	CASE NO. 2021-00386
TO EXTEND ITS SMALL VOLUME GAS	*	_____
TRANSPORTATION SERVICE	*	

**XOOM ENERGY KENTUCKY, LLC, INTERSTATE GAS SUPPLY, INC., AND
CONSTELLATION NEW ENERGY, GAS DIVISION, LLC’S JOINT
MOTION FOR INTERIM AUTHORITY AND FOR EXPEDITED CONSIDERATION**

XOOM Energy Kentucky, LLC (“XOOM”), Interstate Gas Supply, Inc. (“IGS”) and Constellation New Energy, Gas Division, LLC (“CNEG”), by counsel, pursuant to 807 KAR 5:001 Section 5(1), respectfully request that the Commission issue an order on an expedited basis that grants Columbia Gas of Kentucky, Inc. (“Columbia”) interim authority to continue operating the CHOICE program until the conclusion of this proceeding. In support of this Motion, XOOM, IGS and CNEG state as follows:

1. In Case No. 2017-00015, the Commission extended the term of Columbia’s pilot CHOICE program through March 31, 2022.¹
2. On September 30, 2021, Columbia submitted a tariff filing to continue its CHOICE program under the program’s current terms and conditions through March 31, 2025.²
3. On October 18, 2021, the Commission found that “an investigation is necessary to determine the reasonableness of the proposed tariffs to extend the CHOICE program” and established this proceeding.³

¹ See Case No. 2017-00115, *In the Matter of Tariff Filing of Columbia Gas of Kentucky, Inc. to Extend its Small Volume Gas Transportation Service*, Final Order at p. 4 ¶ 1 (Ky. PSC June 19, 2017).

² Case No. 2021-00386, *In the Matter of Electronic Tariff Filing of Columbia Gas of Kentucky, Inc. to Extend its Small Volume Gas Transportation Service*, Order at p. 1 (Ky. PSC October 18, 2021).

³ *Id.* at p. 1-2.

4. On December 7, 2021, the Commission entered a revised procedural schedule. However, in the December 7th Order, the Commission did not suspend the effective date of the Choice tariff pursuant to KRS 278.190(2) subject to future change. In the revised schedule, the Commission directed Columbia to file direct testimony on or before January 18, 2022, and rebuttal testimony on or before April 29, 2022. Further, the Commission afforded the parties until May 6, 2022 to request a public hearing or request that this case be decided based upon the written record.⁴ Accordingly, a decision on whether to continue the program will not be reached until after the March 31, 2022 expiration date of the program.

5. Columbia stated in its direct testimony that “absent an Order of the Commission allowing the program to continue, all participants will be returned to the applicable General Sales Service Rate Schedule effective with Columbia’s April 2022 billing cycle.”⁵

6. In discovery responses served on February 18, 2022, Columbia confirmed that if the Commission does not issue an order extending the current March 31, 2022 expiration date, Columbia would “return all CHOICE program participants to the applicable general sales rate schedule [and] Columbia would begin supplying the natural gas commodity to the customers rather than the customer’s previously selected Customer CHOICE provider.”⁶

7. If Columbia returns all CHOICE program participants to service with Columbia instead of the customer’s selected supplier, Columbia will essentially be interfering in the customer’s contractual choice to take service with their supplier. Furthermore, returning these customers to utility service impacts the contract rights of suppliers and customers because doing so essentially results in Columbia terminating contracts between suppliers and customers.

⁴ Case No. 2021-00386, *In the Matter of Electronic Tariff Filing of Columbia Gas of Kentucky, Inc. to Extend its Small Volume Gas Transportation Service*, Order at Appendix (Ky. PSC December 7, 2021).

⁵ Direct Testimony of Judy M. Cooper at 5:14-16.

⁶ Columbia Gas of Kentucky, Inc.’s Response to Staff’s Second Request for Information, Question 3.

8. This motion, if granted, would allow for the CHOICE program to continue for the duration of this case, until the Commission decides on the future of the program after weighing the parties' testimony, comments, and other filings. To allow the program to lapse during the pendency of this proceeding would seriously prejudice suppliers and their customers who have consented to enter into valid and enforceable contracts. Customers who are returned to utility service not only are forced to break their contract with their chosen supplier, but also cannot select a new supplier for at least one billing cycle and perhaps for as long as 45 days.⁷ Thus, if the CHOICE program is halted and then restarted at the conclusion of this proceeding, customers will still be prejudiced and inconvenienced.

WHEREFORE, for the foregoing reasons, XOOM, IGS and CNEG, respectfully request that the Commission issue an order on an expedited basis that grants interim authority for Columbia to continue operating the CHOICE program until the conclusion of this proceeding and grant any further relief the Commission may deem necessary and appropriate.

Respectfully submitted,

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⁷ Customers may switch to or between suppliers on the first day of every month. Suppliers must inform Columbia 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. *See* Columbia Gas of Kentucky, Inc.'s Response to XOOM's First Request for Information, Question 7.

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Respectfully submitted,

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Dated: February 28, 2022

CERTIFICATE OF SERVICE

I hereby certify that the foregoing February 28, 2022 electronic filing is a true and accurate copy of the foregoing; that the electronic filing has been transmitted to the Commission on February 28, 2022; that pursuant to the Commission's July 22, 2021 Order in Case No. 2020-00085, an original and one copy of the filing are excused from being mailed to the Commission; that there are currently no parties excused from participation by electronic service; and that, on February 28, 2022, electronic mail notification of the electronic filing is provided to all parties of record.

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