

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

In the matter of: : CASE NO. 2021-00386

ELECTRONIC TARIFF FILING OF :  
COLUMBIA GAS OF KENTUCKY, INC. :  
TO EXTEND ITS SMALL VOLUME GAS :  
TRANSPORTATION SERVICE :

---

**INTERSTATE GAS SUPPLY, INC.’S (“IGS”) AND CONSTELLATION NEW ENERGY,  
GAS DIVISION, LLC (“CNEG”) AMENDED MOTION TO INTERVENE**

---

Come Interstate Gas Supply, Inc. (“IGS”) and Constellation New Energy, Gas Division, LLC (“CNEG”) pursuant to 807 KAR 5:001 Section 4(11), by counsel, and move to intervene in this action based on their special interest in the Small Volume Gas Transportation Service (“Choice Program”). In support of this amended Motion, IGS and CNEG state as follows:

On or about September 30, 2021, Columbia Gas of Kentucky, Inc. (“Columbia”) filed an application to extend the Choice Program. IGS is an active supplier in the Choice Program and supplies tens of thousands of natural gas customers at the residential and small commercial customer level through the Choice Program. IGS is an Ohio Corporation with its principal office being at 6100 Emerald Parkway, Dublin, Ohio 43016. Constellation New Energy, Gas Division, LLC (“CNEG”) is an active supplier in the Choice Program and supplies several thousand customers through the Choice Program. CNEG is a Kentucky limited liability company with its natural gas office located at 9960 Corporate Campus Drive, Suite 200, Louisville, Kentucky 40223. IGS and CNEG are supportive of Columbia’s Application.

The Choice Program allows Columbia customers to decide who delivers natural gas for their home or business. IGS is the largest competitive supplier in the Choice Program. IGS currently supplies natural gas to over 26,000 Columbia customers. CNEG comparably has a smaller market share in the Choice Program but it is a subsidiary of Exelon Utilities and through

its sister companies annually delivers 730 billion cubic feet of natural gas to customers making it part one of the ten largest natural gas marketers in the United States.

The application proposed by Columbia involves continuation of the Choice Program and, as such, will directly impact IGS and CNEG, current Choice Program customers, and future Choice Program customers. CNEG and IGS offer different products to their customers in the Choice Program sometimes locking in rates for significant time periods and possible changes looming to the Choice Program tariffs impacts both the marketers (IGS and CNEG) and the customers. Moreover, both IGS and CNEG bring a broad spectrum of experience to this proceeding which is not otherwise adequately represented by any other party or prospective party in this above-captioned case and their participation will not unduly complicate or disrupt the proceeding. Likewise, the Commission previously granted IGS's request for intervention the last time Columbia sought to continue the Choice Program noting IGS's interest in the rates at issue (*In the matter of: Tariff Filing of Columbia Gas of Kentucky, Inc. to Extend Its Small Volume Gas Transportation Service, Case No. 2017-00115, Order, April 6, 2017*).

The Commission has opened an investigation based on Columbia's tariff filing here and the Commission Staff have posed data requests to Columbia pertaining as to whether or not to extend the Choice Program. As addressed above, potential changes to the Choice Program could significantly impact IGS and CNEG's cost structure and IGS and CNEG have a special interest in the "rates" and "services" of Columbia in this specific proceeding. KRS 278.010(12); KRS 278.010(13)("[a]nyone seeking to intervene must have an interest in the 'rates' or 'services' of a utility."). Accordingly, IGS and CNEG have a special interest in these proceedings.

There is no party that can represent IGS and CNEG's interest in this proceeding other than IGS and CNEG. This motion is filed before the revised procedural intervention deadline of

1/14/2022. Although IGS and CNEG previously filed a motion to intervene in this action on November 9, 2021, given the newly ordered revised procedural schedule of December 7, 2021, IGS and CNEG are filing this amended motion in an abundance of caution. If granted intervention, both IGS and CNEG agree to operate under the revised procedural schedule.

The attorneys for IGS and CNEG authorized to represent them in this proceeding and to take service of all documents are:

Matthew R. Malone, Esq.  
James L. Deckard, Esq.  
Hurt, Deckard & May PLLC  
127 West Main Street  
Lexington, Kentucky 40507  
(859) 254-0000 (office)  
(859) 254-4763 (facsimile)  
[mmalone@hdmfirm.com](mailto:mmalone@hdmfirm.com)  
[jdeckard@hdmfirm.com](mailto:jdeckard@hdmfirm.com)

**Wherefore**, IGS and CNEG respectfully request that they be permitted to intervene in the above-referenced matter.

Respectfully submitted,

HURT, DECKARD & MAY PLLC

/s/Matt Malone  
Matthew R. Malone  
James L. Deckard  
The Equus Building  
127 West Main Street  
Lexington, Kentucky 40507  
(859) 254-0000 (office)  
(859) 254-4763 (facsimile)

Counsel for the Petitioners,  
**INTERSTATE GAS SUPPLY, INC.**  
**And**  
**CONSTELLATION NEW ENERGY,**  
**GAS DIVISION, LLC**

**CERTIFICATE OF SERVICE**

I hereby certify that IGS and CNEG's January 7, 2022 electronic filing is a true and accurate copy of IGS and CNEG's pleading and Read 1<sup>st</sup> Document to be filed in paper medium; that the electronic filing has been transmitted to the Commission on January 7, 2022; that an original and one copy of the filing are excused from being mailed to the Commission pursuant to Case No. 2020-00085; that there are currently no parties excused from participation by electronic service; and that, on January 7, 2022, electronic mail notification of the electronic filing is provided to all parties of record.

/s/Matt Malone

Attorney for Interstate Gas Supply, Inc  
And Constellation New Energy, Gas Division, LLC