

**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 :

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

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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 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 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 9400 Bunsen Parkway, Suite 100, Louisville, Kentucky 40220. 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 and, supplies natural gas to residential and small commercial customers in the Columbia service territory. CNEG comparably has a smaller market share in the Choice Program but it is a

subsidiary of Exelon Generation Company LLC 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, any 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. Indeed, no other supplier or trade association representing suppliers has sought intervention in this proceeding. IGS and CNEG both acknowledge this motion is filed after the procedural intervention deadline of 10/29/2021. As for good cause for the intervention, IGS and CNEG submit that they were not notified of the tariff filing and they had no formal notice until learning in the last few business days of the existence of this case. If granted intervention, both IGS and CNEG agree to operate under the existing procedural schedule and would forgo any initial requests for information to Columbia.

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

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**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

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Counsel for the Petitioner,  
**INTERSTATE GAS SUPPLY, INC.**

**And**

**CONSTELLATION NEW ENERGY -  
GAS DIVISION, LLC**

**CERTIFICATE OF SERVICE**

I hereby certify that IGS and CNEG's November 11, 2021 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 November 11, 2021; that an original and one copy of the filing will be mailed postage prepaid to the Commission on November 11, 2021; that there are currently no parties excused from participation by electronic service; and that, on November 11, 2021, 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