

**COMMONWEALTH OF KENTUCKY**

**BEFORE THE PUBLIC SERVICE COMMISSION**

In the matter of:

THE ELECTRONIC APPLICATION OF ) Case No. 2022-00049  
COLUMBIA GAS OF KENTUCKY, INC. FOR )  
APPROVAL OF THE GREEN PATH RIDER PILOT )  
PROGRAM )

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**COLUMBIA GAS OF KENTUCKY, INC.'S  
RESPONSE TO XOOM ENERGY KENTUCKY, LLC'S MOTION FOR  
INTERVENTION**

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Columbia Gas of Kentucky, Inc., ("Columbia"), by and through counsel, pursuant to 807 KAR 5:001, Section 5, and other applicable law, objects to the motion filed by Xoom Energy Kentucky, LLC ("Xoom") for intervention in this proceeding. As grounds for the objection Columbia states as follows:

1. Columbia filed its Application in this proceeding on December 29, 2022. After the Commission issued deficiencies and Columbia cured those deficiencies, the Application was deemed filed on May 19, 2023.
2. The Commission issued data requests and a procedural order on June 6, 2023. The June 6, 2023 Order established a June 7, 2023 deadline for intervention in the proceeding.

3. Columbia filed responses to Commission Staff's First Request for Information on June 23, 2023. Commission Staff issued its Second Request for Information on July 5, 2023.

4. Xoom filed its Motion to Intervene on July 19, 2023. In its Motion to Intervene, Xoom states that it should be granted intervention because the Commission's June 6, 2023 Order provided a questionable amount of adequate notice for parties to intervene in the proceeding.

5. Columbia's Application has been filed with the Commission since December 2022. Xoom's Motion to Intervene demonstrates its familiarity with this case. Furthermore, Xoom waited approximately six weeks after the Commission's June 6, 2023 Order to request intervention in this proceeding. A motion filed six weeks after the deadline for intervention should not be considered a timely motion to intervene.

6. Columbia has already responded to two requests for information from the Commission Staff. Xoom asserts that its intervention is likely to develop facts that will assist the Commission in fully considering the matter. However, Xoom provides no examples or details as to what kinds of facts its participation will help draw out, or how those facts will be helpful to the Commission. This deficiency in the pleading not only undermines, but it also prevents Columbia from responding to, Xoom's assertion that its intervention will not be prejudicial to Columbia.

7. Xoom has failed to establish good cause for allowing an intervention six weeks after the deadline for intervention has passed.

WHEREFORE, on the basis of the foregoing, Columbia respectfully objects to the intervention of Xoom in this proceeding and requests the Commission deny Xoom's Motion to Intervene for failing to show good cause to allow intervention nearly six weeks after the deadline for intervention had passed.

This 25<sup>th</sup> day of July, 2023.

Respectfully submitted,



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**CERTIFICATE OF SERVICE**

This is to certify that the foregoing electronic filing was transmitted to the Commission on July 25, 2023; that there are currently no parties that the Commission has excused from participation by electronic means in this proceeding; and that pursuant to the Commission's July 22, 2021 Order in Case No. 2020-00085, no paper copies of the filing will be made.



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*Counsel for Columbia Gas of Kentucky, Inc.*