

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

In the matter of:

THE ELECTRONIC APPLICATION OF)	
COLUMBIA GAS OF KENTUCKY, INC.)	CASE NO.
FOR AN ADJUSTMENT OF RATES;)	2024-00092
APPROVAL OF DEPRECIATION STUDY;)	
APPROVAL OF TARIFF REVISIONS; AND)	
OTHER RELIEF)	

COLUMBIA GAS OF KENTUCKY, INC.'S
RESPONSE TO MOTION TO INTERVENE

Comes now Columbia Gas of Kentucky, Inc., (“Columbia”), by and through undersigned counsel, and hereby tenders its response to the Motion to Intervene filed by Interstate Gas Supply, Inc. (“IGS”) and Constellation New Energy – Gas Division, LLC (“CNEG” together as “Joint Movants”) and requests the Commission deny the motion to intervene. In support of the objection Columbia respectfully states as follows:

1. On May 16, 2024, Columbia filed an application for an adjustment of rates, approval of a deprecation study, approval of tariff revision, and other relief. On June 5, 2024, the Commission entered an Order setting a deadline for requests for intervention. On June 14, the Joint Movants filed a request for intervention.

2. The legal standard for intervention in Commission proceedings is well settled. Intervention by all parties other than the Attorney General of the Commonwealth

of Kentucky (“Attorney General”) is permissive and within the sole discretion of the Commission.¹ The statutory standard for permissive intervention requires the person have an interest in the rates or services of a utility.² 807 KAR 5:001, Section 4(11) requires a person to have either a special interest in the proceeding that is not otherwise adequately represented in the case, or that intervention is likely to present issues or develop facts that will assist the Commission in fully considering the matter without unduly complicating or disrupting the proceedings.

3. The Joint Movants stated that IGS and CNEG are both natural gas suppliers for the Small Gas Transportation Service tariff and Small Volume Aggregation Service tariff, (collectively the “Choice Program”). The Joint Movants stated that Columbia’s application proposed tariff changes to Columbia’s Gas Cost Adjustment (“GCA”) to recover from all rate schedules the Gas Cost Uncollectable Rate (“GCUR”). The Joint Movants argued this proposed tariff change will permit Columbia to collect from Choice customers uncollectable expenses exclusively related to commodity costs

¹ *Inter-County Rural Electric Cooperative Corporation v. Public Service Commission of Kentucky*, 407 SW.2d 127, 130 (Ky. 1966).

² *EnviroPower LLC v. Public Service Commission of Kentucky*, No. 2005-CA-001792-MR, 2007 WL 289328 at 3 (Ky. App. Feb. 2, 2007).

associated with default service.³ The Joint Movants argued that the proposed tariff changes will directly impact the Joint Movants and current, or future, Choice customers.⁴

4. Finally, the Joint Movants argue that both IGS and CNEG bring experience and expertise to the proceeding which is not represented by any other party or prospective party and their participation will not unduly complicate the proceedings.⁵

5. The Joint Movants fundamentally mischaracterize the GCUR of the GCA. The GUCR only applies to sales tariff rates; it does not apply to the participants in the CHOICE program.⁶ To be very clear, the GCUR does not apply to customers who do not purchase their natural gas commodity from Columbia, i.e. Choice customers. The Joint Movants claim that Columbia's proposed tariff changes will directly impact the Joint Movants and current, or future, Choice customers is completely incorrect.

6. IGS and CNEG only interest in Columbia's rates and services is that of a competitor. IGS and CNEG are not customers of Columbia. The Joint Movants are competitive suppliers of retail natural gas. The Joint Movants have no special interest that should be protected or represented in these proceedings. The Commission

³ Interstate Gas Supply, Inc. and Constellation New Energy – Gas Division, LLC Motion to Intervene at 2.

⁴ Interstate Gas Supply, Inc. and Constellation New Energy – Gas Division, LLC Motion to Intervene at 2.

⁵ Interstate Gas Supply, Inc. and Constellation New Energy – Gas Division, LLC Motion to Intervene at 3.

⁶ See, Application, Volume 3, Tab 28, Direct Testimony of Tamaleh Shaeffer, at 13 and Application, Volume 3, Tab 27, Direct Testimony of Julie Wozniak, at 10.

previously held that IGS should not be granted intervention in Columbia's rate case for this reason⁷ and has consistently denied intervention to competitors in other proceedings before the Commission.⁸

7. Even if the Joint Movants contention regarding the GUCR potentially raising costs for Choice customers was correct, the Joint Movants cannot represent the interests of current, or future, Choice program participants. The Attorney General, through the Office of Rate Intervention, is the party that is responsible for protecting the consumers' interests in this proceeding. The Attorney General has been granted intervention in this case and is fully capable of representing the interests of the participants of the Choice program.⁹ The Commission should not grant the Joint Movants intervention based upon this assertion.

8. The Joint Movants have no other grounds for intervention aside from a general assertion that as gas suppliers IGS and CNEG have a "broad spectrum of

⁷ July 21, 2016 Order, Case No. 2016-00162, *Application of Columbia Gas of Kentucky, Inc. For An Adjustment of Rates* (Ky. PSC. July 21, 2016).

⁸ See May 12, 2011 Order, Case No. 2024-00092, *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.* and May 19, 2023 Order, Case No. 2022-0027, *The Application of New Cingular Wireless PCS, LCC, A Delaware Company D/B/A AT&T Mobility and Harmoni Towers LLC, A Delaware Limited Liability Company for Issuance of a Certificate of Public Convenience and Necessity to Construct a Wireless Communications Facility in the Commonwealth of Kentucky in the County of Russell.*

⁹ Case No. 2024-00092, June 5, 2024 Order.

experience.”¹⁰ The Joint Movants did not provide any evidence of participating in any other rate adjustments in any other proceedings, and as noted above, IGS has been denied intervention in previous rate proceedings. The mere statement that the Joint Movants will provide assistance is not enough to grant intervention.

9. The Joint Movants have failed to demonstrate that the companies have an interest in the proceeding that is not otherwise adequately represented in this case, or that intervention is likely to present issues or develop facts that will assist the Commission.

WHEREFORE, on the basis of the foregoing, Columbia respectfully requests the Commission to enter an Order denying the request for intervention by IGS and CNEG.

This the 19th day of June, 2024.

¹⁰ Interstate Gas Supply, Inc. and Constellation New Energy – Gas Division, LLC Motion to Intervene at 3.

Respectfully submitted,

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CERTIFICATE OF SERVICE

This is to certify that the foregoing electronic filing was transmitted to the Commission for filing on June 19, 2024; that there are currently no parties that the Commission has excused from participation by electronic means in this proceeding; by virtue of the Commission's July 22, 2021 Order in Case No. 2020-00085, no paper copies of this filing will be made.

Heather S. Temple

Counsel for Columbia Gas of Kentucky, Inc.