

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
MOTION FOR REHEARING

Comes now Columbia Gas of Kentucky, Inc. ("Columbia"), by counsel, pursuant to KRS 278.400, and other applicable law, and does hereby request the Commission to grant rehearing on the Commission's June 28, 2024 Order which granted intervention to Interstate Gas Supply, Inc ("IGS") and Constellation New Energy – Gas Division, LLC ("Constellation New Energy"). Columbia respectfully states as follows:

1. On May 16, 2024, Columbia filed an application for an adjustment of rates and other general relief.¹ The Commission entered a procedural schedule that required motions to intervene to be filed by June 14, 2024.² On June 14, 2024, IGS and Constellation

¹ Application and Motion for Confidential Treatment (filed May 16, 2024).

² June 5, 2024 Order (Ky. PSC June 5, 2024).

New Energy filed a motion requesting intervention in the proceedings.³ Columbia objected to the request for intervention.⁴ On June 28, 2024, the Commission granted the request for intervention.⁵

2. KRS 278.400 establishes the standard of review for motions for rehearing and limits rehearing to new evidence not readily discoverable at the time of the original hearing, to correct any material errors or omissions, or to correct findings that are unreasonable or unlawful. A Commission order is deemed unreasonable when the evidence presented leaves no room for difference of opinion among reasonable minds.⁶

3. IGS and Constellation argued that as gas supplier for customers that participate in the Small Gas Transportation Service tariff and Small Volume Aggregation Service tariff (collectively the “Choice Program”) and as such have a special interest in the proceedings not otherwise represented, would present issues or develop facts that would assist the Commission.⁷

4. The Commission found that IGS and Constellation New Energy will assist the Commission related to tariff impacts and the Choice program, including revenue and

³ Interstate Gas Supply, Inc. and Constellation New Energy – Gas Division, LLC Motion to Intervene (filed June 14, 2024).

⁴ Objection to Intervention (filed June 19, 2024).

⁵ June 28, 2024 Order.

⁶ *Kentucky Indus. Utility Customers, Inc. v. Kentucky Utilities Co.*, 983 S.W. 2d 493 (Ky. 1998) and *Energy Regulatory Comm’n v. Kentucky Power Co.*, 605 S.W.2d 46, 50 (Ky. App. 1980).

⁷ Interstate Gas Supply, Inc. and Constellation New Energy – Gas Division, LLC Motion to Intervene

expense tracking within the program and that NiSource Corporate Services Company's IT system upgrades have the potential to impact the Choice Program, and the changes to the Gas Cost Uncollectable Rate (GCUR) would have an indirect impact on Choice Market participants.⁸

5. These findings by the Commission are unreasonable, are premised upon a material error, and IGS and Constellation New Energy should not be granted intervention into this proceeding.

6. The Commission indicated that NiSource Corporate Service Company's IT system upgrades could impact the Choice Program. This is incorrect. The IT system upgrades in this proceeding are not related to expense tracking. The IT upgrades in this proceeding are related to the scheduling, dispatch, and execution of work on utility assets (the "Work Asset Management" or "WAM Program").⁹ Essentially, these upgrades are a way to expedite work orders. It is in no way an expense tracking program. The implementation of the WAM will not further the Commission's objective in Case No. 2021-000385¹⁰ of requiring Columbia to track expenses and revenues of the Choice Program. Allowing intervention by IGS and Constellation New Energy on the basis is unreasonable.

⁸ June 28, 2024 Order at 6.

⁹ See Application, Volume II, Tab 23, Direct Testimony of Greg Skinner at 9.

¹⁰ Case No. 2021-00385, *Electronic Tariff Filing of Columbia Gas of Kentucky, Inc. to Extend its Small Volume Gas Transportation Service*, June 28, 2024 Order (Ky. PSC June 28, 2024).

7. The Commission indicated that IGS and Constellation New Energy could develop facts related to tariff changes and the Choice Program. This is incorrect. The GCUR only applies to sales tariff rates. It does not apply to participants in the Choice Program, nor has it ever. In no way, do any of the proposed tariff changes in this case relate to the Choice Program. Further, the change to the GCUR is merely an update to the rate. Columbia has not recommended changing the underlying mechanics of the GCUR in Columbia's tariff since the GCUR was originally approved.¹¹

8. Additionally, even if the tariff did affect Choice Program Customers, IGS and Constellation New Energy are not the appropriate parties to represent these interests and develop facts to assist the Commission. The General Assembly granted the Attorney General, by and through the Office of Rate Intervention the responsibility, "to represent and be heard on behalf of consumer's interests."¹² The Attorney General has intervened in this proceeding and has participated.¹³ Nothing in the record indicates the Attorney General is not taking the responsibility of consumer advocate seriously. The decision to

¹¹ Case No. 2009-00141, *Application of Columbia Gas of Kentucky, Inc. for an Adjustment of Rates*, October 26, 2009 Order.

¹² KRS 367.150(8)(a).

¹³ Office of the Attorney General Motion to Intervene (filed May 24, 2024); June 5, 2024 Order (Ky. PSC June 5, 2024); and Office of Attorney General First Request for Information to Columbia Gas of Kentucky, Inc. (filed June 21, 2024).

allow intervention by IGS and Constellation New Energy based upon the tariff changes is unreasonable.

9. None of the reasons the Commission based its finding that IGS and Constellation New Energy should be granted intervention are reasonable. IGS and Constellation New Energy are attempting to relitigate the issues surrounding the Choice Program in a proceeding where it is not at issue.

WHEREFORE, on the basis of the foregoing, Columbia respectfully requests the Commission grant rehearing on this issue and deny the request for intervention.

This the 18th day of July 2024.

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 18, 2024; 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.

Heather S. Temple

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