
Lindsay A. Berkstresser

lberkstresser@postschell.com
717-612-6021 Direct
717-731-1985 Direct Fax
File #: 193132

May 6, 2022

VIA ELECTRONIC FILING

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor North
P.O. Box 3265
Harrisburg, PA 17105-3265

**Re: PA PUC v. Columbia Gas of Pennsylvania, Inc.
Docket Nos. R-2022-3031211, et al.**

Dear Secretary Chiavetta:

On behalf of Columbia Gas of Pennsylvania, Inc., attached for filing is the Answer to the Petition to Intervene of Natural Resources Defense Council in the above-referenced proceedings. Copies will be provided per the attached Certificate of Service.

Respectfully submitted,



Lindsay A. Berkstresser

LAB/kl
Attachment

cc: Honorable Christopher P. Pell (w/att.)
Honorable John M. Coogan (w/att.)
Certificate of Service

CERTIFICATE OF SERVICE

I hereby certify that true and correct copies of the foregoing have been served upon the following persons, in the manner indicated, in accordance with the requirements of § 1.54 (relating to service by a participant).

VIA E-MAIL ONLY

Erica McLain, Esquire
Bureau of Investigation and Enforcement
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120
ermclain@pa.gov

Steven C. Gray, Esquire
Office of Small Business Advocate
555 Walnut Street
1st Floor, Forum Place
Harrisburg, PA 17101
sgray@pa.gov

Aron J. Beatty, Esquire
Lauren E. Guerra, Esquire
Barrett C. Sheridan, Esquire
Harrison W. Breitman, Esquire
Office of Consumer Advocate
555 Walnut Street
5th Floor, Forum Place
Harrisburg, PA 17101-1923
abeatty@paoca.org
iguerra@paoca.org
bsheridan@paoca.org
hbreitman@paoca.org

John W. Sweet, Esquire
Ria M. Pereira, Esquire
Lauren N. Berman, Esquire
Elizabeth R. Marx, Esquire
Pennsylvania Utility Law Project
118 Locust Street
Harrisburg, PA 17101
pulp@pautilitylawproject.org
Counsel for CAUSE-PA

Jerome D. Mierzwa
Exeter Associates, Inc.
10480 Little Patuxent Parkway
Suite No. 300
Columbia, MD 21044
jmierzwa@exeterassociates.com

Robert D. Knecht
Industrial Economics Incorporated
5 Plymouth Road
Lexington, MA 02421
rdk@indecon.com

Mark D. Ewen
Industrial Economics, Incorporated
2067 Massachusetts Avenue
Cambridge, MA 02140
mewen@indecon.com

Joseph L. Vullo, Esquire
Burke Vullo Reilly Roberts
1460 Wyoming Avenue
Forty Fort, PA 18704
jlvullo@bvrrlaw.com
*Counsel for PA Weatherization Providers
Task Force, Inc.*

Todd S. Stewart, Esquire
Hawke McKeon & Sniscak LLP
100 North Tenth Street
Harrisburg, PA 17101
tsstewart@hmslegal.com
Counsel for RESA/NGS Parties

Thomas J. Sniscak, Esquire
Whitney E. Snyder, Esquire
Phillip D. Demanchick, Jr., Esquire
Hawke McKeon & Sniscak LLP
100 North Tenth Street
Harrisburg, PA 17101
tjsniscak@hmslegal.com
wesnyder@hmslegal.com
pddemanchick@hmslegal.com
Counsel for The Pennsylvania State University

Andrew J. Karas, Esquire
Fair Shake Environmental Legal Services
600 Superior Avenue East
Cleveland, OH 44114
akaras@fairshake-els.org

Mark C. Szybist, Esquire
Natural Resources Defense Council
1152 15th Street NW, Suite 300
Washington, DC 20005
mszybist@nrdc.org

Charis Mincavage, Esquire
Kenneth R. Stark, Esquire
McNees, Wallace & Nurick
100 Pine Street
P.O. Box 1166
Harrisburg, PA 17108
cmincavage@mcneeslaw.com
kstark@mcneeslaw.com
Counsel for Columbia Industrial Intervenors

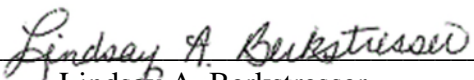
James L. Crist, P.E.
Lumen Group, Inc.
4226 Yarmouth Drive, Suite 101
Allison Park, PA 15101
JLCrist@aol.com

Constance Wile
922 Bebout Road
Venetia, PA 15367
cjazdrmr@yahoo.com

Jose A. Serrano
2667 Chadbourne Drive
York, PA 17404
jas673@hotmail.com

Richard C. Culbertson
1430 Bower Hill Road
Pittsburgh, PA 15243
richard.c.culbertson@gmail.com

Date: May 6, 2022



Lindsay A. Berkstresser

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission	:	R-2022-3031211
Office of Small Business Advocate	:	C-2022-3031632
Office of Consumer Advocate	:	C-2022-3031767
Pennsylvania State University	:	C-2022-3031957
Columbia Industrial Intervenors	:	C-2022-3032178
Jose A. Serrano	:	C-2022-3031821
Constance Wile	:	C-2022-3031749
Richard C. Culbertson	:	C-2022-3032203
	:	
v.	:	
	:	
Columbia Gas of Pennsylvania, Inc	:	

**ANSWER OF COLUMBIA GAS OF PENNSYLVANIA, INC.
TO THE PETITION TO INTERVENE OF
NATURAL RESOURCES DEFENSE COUNCIL**

**TO ADMINISTRATIVE LAW JUDGES CHRISTOPHER P. PELL AND JOHN
COOGAN:**

Pursuant to 52 Pa. Code §§ 5.61 and 5.66 and the May 3, 2022 Prehearing Order, Columbia Gas of Pennsylvania, Inc. (“Columbia”) hereby files this Answer to the Petition to Intervene of Natural Resources Defense Council (“NRDC”).

I. BACKGROUND

1. On March 18, 2022, Columbia filed Supplement No. 337 to Tariff Gas PA. P.U.C. No. 9 (“Supplement No. 337”) with the Commission. Supplement No. 337 was issued to be effective for service rendered on or after May 17, 2022. It proposed changes to Columbia’s distribution base rates designed to produce an increase in annual revenues of approximately \$82.2 million based upon data for a fully projected future test year ending December 31, 2023.

2. Several complaints and interventions were filed. Relevant to this Answer, NRDC filed a Petition to Intervene on April 27, 2022.

3. On April 14, 2022, the Commission issued an Order pursuant to 66 Pa. C.S. §1308(d), suspending the filing by operation of law until December 17, 2021 (“Suspension Order”).

4. On April 22, 2022, Columbia filed Tariff Supplement No. 342 in accordance with the Commission’s Suspension Order.

5. On April 26, 2022, Columbia filed Supplement 343 to Tariff Gas Pa PUC No. 9, which proposes to add the Green Path Rider to Columbia’s tariff. Also on April 26, 2022, Columbia filed a Motion to Consolidate the Green Path Rider tariff filing with this base rate proceeding.

6. A telephonic prehearing conference was held on April 29, 2022. At the prehearing conference, Columbia indicated that it intended to file an answer to NRDC’s Petition to Intervene.

7. A Prehearing Order was issued on May 3, 2022. In the Prehearing Order, ALJs Pell and Coogan directed Columbia to file its answer to NRDC’s Petition to Intervene by May 6, 2022.

II. STANDARD FOR INTERVENTION

8. A petition to intervene must set out clearly and concisely: (1) the facts from which the alleged intervention right or interest can be determined, (2) the grounds of the proposed intervention, and (3) the petitioner’s position on the issues raised in the proceeding. See 52 Pa. Code § 5.73(a).

9. Pursuant to the Commission’s regulations, a petition to intervene may be filed by a person claiming, inter alia, an interest that may be directly affected and which is not adequately represented by existing participants, and as to which the petitioner may be bound by the action of

the Commission in the proceeding. See 52 Pa. Code § 5.72(a). Thus, the Commission's regulations require an intervenor to establish that it has standing to participate in the proceeding.

10. Intervention is a matter of discretion for the Commission. See *City of Pittsburgh v. Pa. PUC*, 33 A.2d 641 (Pa. Super 1943); *N.A.A.C.P., Inc. v. Pa. PUC*, 290 A.2d 704 (Pa. Cmwlth. 1972); *PPL Electric Utilities Corporation Universal Service and Energy Conservation Plan for 2011 through 2013*, Docket No. M-2010-2179796, 2011 Pa. PUC LEXIS 1997, at *20 (May 5, 2011).

III. ANSWER TO NRDC'S PETITION TO INTERVENE

11. NRDC's Petition to Intervene identifies the reasonableness of the proposed rate increase, distribution system expansion and maintenance, Columbia's proposed Revenue Normalization Adjustment, Energy Efficiency proposals, and the Green Path Rider as potential issues that it will address in this case. NRDC Petition to Intervene ¶¶ 12-13. In its Petition to Intervene, NRDC also states, "NRDC believes that numerous issues in this case will affect the interests of NRDC's members and NRDC's institutional goals of expanding the use of energy efficiency, renewable energy, and building an equitable clean energy future." NRDC Petition to Intervene ¶ 11.

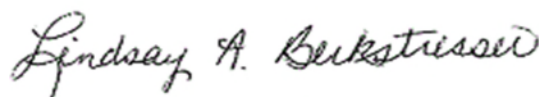
12. Columbia does not oppose NRDC's intervention in this case for the purpose of examining the issues related to Columbia's base rate case filing. By way of further response to NRDC's Petition to Intervene, the Commission has previously held that it does not have jurisdiction to consider environmental matters that are not tied to a specific rate case claim or cost. *Pa. PUC, et al. v. Philadelphia Gas Works*, Docket Nos. R-2020-3017206, 2020 Pa. PUC LEXIS 607 (Order entered Nov. 19, 2020) at *76-82. Thus, any issues raised by NRDC should be related to the specific claims and proposals presented in Columbia's rate filing. Notwithstanding Columbia's non-opposition to NRDC's Petition to Intervene, Columbia reserves its right to object

to the introduction of any issues that are outside the scope of this base rate proceeding or that are unrelated to the claims and proposals raised in the base rate proceeding, in the event that such issues arise during the course of this proceeding.

IV. CONCLUSION

13. WHEREFORE, Columbia does not oppose the Petition to Intervene filed by NRDC for the purpose of examining issues related to Columbia's base rate filing, as explained in this Answer.

Respectfully submitted,



Theodore Gallagher (ID # 90842)
Columbia Gas of Pennsylvania, Inc.
121 Champion Way, Suite 100
Phone: 724-416-6355
Fax: 724-416-6384
E-mail: tjgallagher@nisource.com

Michael W. Hassell (ID # 34851)
Lindsay A. Berkstresser (ID # 318370)
Post & Schell, P.C.
17 North Second Street
12th Floor
Harrisburg, PA 17101
Phone: 717-731-1970
Fax: 717-731-1985
E-mail: mhassell@postschell.com
E-mail: lberkstresser@postschell.com

Amy E. Hirakis (ID # 310094)
800 North 3rd Street
Suite 204
Harrisburg, PA 17102
Phone: 717-233-1351
E-mail: ahirakis@nisource.com

Date: May 6, 2022