

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

EnergyMark LLC, Vineyard Oil & Gas	:	
Company, Mid American Natural	:	
Resources LLC, and Total Energy	:	
Resources LLC,	:	C-2020-3019621
Complainants	:	
v.	:	
	:	
National Fuel Gas Distribution Corporation	:	
Respondent	:	

**PETITION TO INTERVENE
OF THE
PENNSYLVANIA INDEPENDENT OIL & GAS ASSOCIATION**

Pursuant to 52 Pa. Code § 5.72-5.75, the Pennsylvania Independent Oil & Gas Association (PIOGA) petitions to intervene in this proceeding. In support of its intervention, PIOGA avers as follows.

1. PIOGA is the principal nonprofit trade association representing oil and natural gas interests in Pennsylvania. PIOGA’s members include natural gas producers and Pennsylvania Public Utility Commission-licensed natural gas suppliers, pool operators and marketers (NGSs) that produce, transport and market natural gas, including production from Pennsylvania conventional and unconventional formations, on the pipelines of Pennsylvania natural gas distribution companies, including National Fuel Gas Distribution Corporation (NFGD), for system supply and to transportation customers.

2. PIOGA NGS members provide natural gas supply services to retail customers in the NFGD service territory in Pennsylvania.

3. NFGDC provides natural gas distribution services to retail customers in Pennsylvania and public utility services to PIOGA NGS members.

4. On April 27, 2020, EnergyMark LLC, Vineyard Oil & Gas Company, Mid American Natural Resources LLC and Total Energy Resources LLC (Joint Complainants) filed the above-captioned complaint with the Pennsylvania Public Utility Commission (“Commission”) alleging: that NFGD’s tariff contains unreasonable provisions regarding data security; that the data security requirements provisions of the tariff are unreasonable; that the data security requirements provisions of the tariff grant NFGD illegal authority to supervise NGSs in abrogation of the Commission’s exclusive right to do so; and that NFGD had misrepresented the basis of its data security requirements provisions of the tariff to the Joint Complainants and to the Commission, rendering the tariff void *ab initio*.

5. PIOGA’s producer and NGS members will be directly affected by the data security requirements provisions of NFGD’s tariff and the Commission’s resolution of this complaint, as explained below.

6. PIOGA member producers have meters on NFDC’s system and deliver gas to end-users on NFDC’s system, as well as the pipeline systems of other Pennsylvania natural gas distribution companies, through NGSs.

7. PIOGA member NGSs provide natural gas supply services on NFDC’s system, as well as the pipeline systems of other Pennsylvania natural gas distribution companies, and broker natural gas to end-users on NFDC’s system, as well as the pipeline systems of other Pennsylvania natural gas distribution companies, through other NGSs.

8. To the best of PIOGA's knowledge, only one of its member producers that delivers gas to end-users on NFDC's system through NGSs has experienced a cyber-attack, which was not successful.

9. To the best of PIOGA's knowledge, none of its NGS members that provide natural gas supply services on NFDC's system delivers gas to end-users on NFDC's system has experienced a cyber-attack.

10. PIOGA producer and NGS members that provide natural gas to end-users on NFDC's system, as well as the pipeline systems of other Pennsylvania natural gas distribution companies, have various measures in place to protect their information technology systems from cyber-attacks. These measures include: firewalls; virtual private networks (VPNs) for direct connect external users; anti-virus software; regular data back-ups and offsite copy; password protected systems; directory domain services to control gateway access; third-party scanning of incoming and outgoing email for viruses and malware.

11. To the best of PIOGA's knowledge, some of its producer and NGS members that provide natural gas to end-users on NFDC's system, as well as the pipeline systems of other Pennsylvania natural gas distribution companies, have cybersecurity insurance in amounts ranging from \$10,000 to \$1 million per incident.

12. To the best of PIOGA's knowledge, none of its producer and NGS members that provide natural gas to end-users on NFDC's system have operations in other states.

13. One PIOGA producer that provides natural gas to end-users on NFDC's system through an NGS has estimated the cost to obtain \$5 million per incident cybersecurity insurance at \$25,000 per year while, to the best of PIOGA's knowledge, its other producer and NGS members

that provide natural gas to end-users on NFDC's system believe the cost to obtain \$5 million per incident cybersecurity insurance to be prohibitive.

14. The cost to comply with the data security requirements provisions of NFDC's tariff would be borne by either PIOGA producer members that provide natural gas to end-users on NFDC's system or PIOGA NGS members that provide natural gas to end-users on NFDC's system, or both.

15. PIOGA's interests and the interests of its producer and NGS members that provide natural gas to end-users on NFDC's system cannot be adequately represented by any other party in this proceeding, including any PIOGA NGS member that may participate individually in this matter.

16. PIOGA's intervention is also in the public interest. PIOGA has consistently participated in various Commission proceedings involving natural gas distribution companies' tariffs, rates and terms of service, which places PIOGA in a position to contribute to the development of the record in this matter.

17. PIOGA's intervention at this time does not prejudice NFGD because, although this proceeding was initiated in April 2020, PIOGA has provided sufficient information in this petition to inform NFDC of facts relevant to its interests in this matter and PIOGA is prepared to participate in the prehearing conference scheduled for next Tuesday, January 19, 2021, and is filing its prehearing memorandum today.

WHEREFORE, PIOGA respectfully requests that its petition to intervene in this proceeding be granted.

Respectfully submitted,

A handwritten signature in blue ink that reads "Kevin J. Moody". The signature is written in a cursive style with a large, sweeping "K" and "M".

Kevin J. Moody, Esquire
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Dated: January 15, 2021

VERIFICATION

I, Daniel J. Weaver, President and Executive Director of the Pennsylvania Independent Oil & Gas Association (PIOGA), hereby state that the facts set forth above are true and correct to the best of my knowledge, information and belief, and that PIOGA expects to be able to prove the same at a hearing held in these proceedings. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S § 4904 (relating to unsworn falsification to authorities).

A handwritten signature in black ink, appearing to read "Daniel J. Weaver". The signature is fluid and cursive, with a long horizontal stroke at the end.

Daniel J. Weaver

Date: January 15, 2021

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true and correct copy of PIOGA's Petition to Intervene upon the persons listed below in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

Via Email

The Honorable Dennis J. Buckley, Administrative Law Judge
debuckley@pa.gov

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General Counsel, PIOGA

Date: January 15, 2021