UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION

Columbia Gas Transmission, LLC	)	Docket No. RP24-1103-000

MOTION TO INTERVENE, PROTEST, AND REQUEST FOR SUSPENSION AND EVIDENTIARY HEARING PROCEEDINGS OF AMERICAN FOREST & PAPER, INDUSTRIAL ENERGY CONSUMERS OF AMERICA, PROCESS GAS CONSUMERS GROUP, AND THE OHIO MANUFACTURERS' ASSOCIATION ENERGY GROUP

On September 30, 2024, pursuant to Section 4 of the Natural Gas Act ("NGA") and Part 154 of the regulations of the Federal Energy Regulatory Commission ("FERC" or "Commission"), Columbia Gas Transmission, LLC ("Columbia") filed revised tariff records to its FERC Gas Tariff to effectuate changes in the rates applicable to Columbia's jurisdictional transportation and storage services.[1] Pursuant to Rules 211, 212 and 214 of the Commission's Rules of Practice and Procedure,[2] and the Commission's Combined Notice of Filings,[3] the American Forest and Paper Association ("AF&PA"), Industrial Energy Consumers of America ("IECA"), and Process Gas Consumers Group ("PGC") (jointly, "AIP") and The Ohio Manufacturers' Association Energy Group ("OMAEG") hereby submit this motion to intervene and protest in the above-captioned proceeding. In support of this motion, AIP and OMAEG state as follows:

I. COMMUNICATIONS

All correspondence, communications, pleadings, and other documents relating to this proceeding should be served upon the following:

[1] Transmittal Letter at 1.

[2] 18 C.F.R. §§ 385.211, 385.212, 385.214 (2024).

[3] *See* Combined Notice of Filings (September 30, 2024).

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II. BACKGROUND

Columbia's current rates were established pursuant to the Stipulation and Agreement dated October 29, 2021, in Docket No. RP20-1060, et al. ("2021 Settlement").[4] Columbia states that it now files this rate case to satisfy Article V.B of the 2021 Settlement requiring Columbia to file a general NGA section 4 rate case with rates to become effective no later than April 1, 2026.[5] Columbia proposes a Primary Case, which continues Columbia's existing postage-rate design, and a Preferred Case, which proposes to change Columbia's rate design to a two-zone rate structure.[6]

In its Primary Case, Columbia proposes to increase the base tariff rate reservation charge for Rate Schedule FTS from $9.197 to $21.281 (a 131.39% increase), Rate Schedule SST from $9.078 to $21.278 (a 134.39% increase), and Rate Schedule FSS from $2.567 to $6.461 (a 151.70% increase).[7] In addition, Columbia proposes to increase the maximum overrun charge for Rate Schedule FTS from $30.87 to $71.06 (a 130.19% increase), Rate Schedule SST from $30.48

[4] Transmittal Letter at 1.

[5] *Id.* at 2 (citing *Columbia Gas Transmission, LLC*, 178 FERC ¶ 61,144 (2022)).

[6] *Id.* at 1-2.

[7] Appendix A-2 at 7, 13-14.

to $71.06 (a 133.14% increase), and Rate Schedule FSS from $17.57 to $39.50 (a 124.82% increase).[8]

These rates reflect an increase in Columbia's cost of service from approximately $2.9 billion to approximately $3.5 billion and an increase in Columbia's rate base from approximately $11.8 billion to $13.8 billion.[9] Columbia also proposes to decrease its billing determinants from approximately 2.5 billion Dekatherms ("Dth") to 2.2 billion Dth,[10] reflecting Columbia's proposal to include a discount adjustment.[11]

In addition, Columbia proposes a Capital & Compliance Recovery Mechanism ("CCRM") for the purpose of collecting $2.9 billion to recover costs associated with modernizing its system over a seven-year period.[12] Columbia argues that its CCRM meets the five standards set forth in the Commission's Policy Statement on *Cost Recovery Mechanisms for Modernization of Natural Gas Facilities* in Docket No. PL15-1-000 ("PL15-1 Policy Statement").[13]

III. MOTION TO INTERVENE

AF&PA serves to advance a sustainable U.S. pulp, paper, packaging, tissue, and wood products manufacturing industry through fact-based public policy and marketplace advocacy. AF&PA member companies make products essential for everyday life from renewable and recyclable resources and are committed to continuous improvement through the industry's sustainability initiative – Better Practices, Better Planet 2020. The forest products industry accounts for approximately 4% of the total U.S. manufacturing GDP, manufactures over

[8] *Id.*

[9] Transmittal Letter at 7.

[10] *Id.*

[11] *Id.* at 10-11.

[12] Statement P, Exhibit No. TCO-0023, at 14-20.

[13] 151 FERC ¶ 61,047 (2015).

$200 billion in products annually, and employs approximately 900,000 men and women. The industry meets a payroll of approximately $50 billion annually and is among the top ten manufacturing sector employers in forty-five states. AF&PA member companies own and operate facilities that consume natural gas delivered through the numerous interstate natural gas pipelines, including Columbia.

The Industrial Energy Consumers of America is a nonpartisan association of leading manufacturing companies with $1.3 trillion in annual sales, over 12,000 facilities nationwide, and with more than 1.9 million employees. It is an organization created to promote the interests of manufacturing companies through advocacy and collaboration for which the availability, use and cost of energy, power or feedstock play a significant role in their ability to compete in domestic and world markets. IECA membership represents a diverse set of industries including chemicals, plastics, steel, iron ore, aluminum, paper, food processing, fertilizer, insulation, glass, industrial gases, pharmaceutical, consumer goods, building products, automotive, independent oil refining, and cement. IECA members are served through Columbia.

PGC is a trade association that represents energy-intensive large industrial and manufacturing natural gas consumers who are typically longstanding, significant employers within their respective communities. PGC members own and operate hundreds of manufacturing plants and facilities in virtually every state in the nation and consume natural gas delivered through interstate natural gas pipeline systems throughout the United States. PGC members hold transportation capacity on numerous interstate pipelines, and receive gas delivered over Columbia.

The Ohio Manufacturers' Association ("OMA") is an organization through which Ohio manufacturers monitor and advocate on public policies affecting energy for the short-, mid- and long-term. It is a mechanism for manufacturers to engage in the regulatory and policy processes in order to manage their energy needs. The OMAEG is a member-driven organization, wholly owned

by OMA. The OMAEG shares the same mission as its parent, the OMA: to protect and grow Ohio manufacturing. OMAEG member companies own and operate facilities that consume natural gas delivered through interstate natural gas pipelines, including Columbia. OMAEG member companies are firm shippers on Columbia.

As customers that receive gas delivered over Columbia, AIP and OMAEG members have a direct and substantial interest in this proceeding. AIP and OMAEG's intervention are in the public interest, and they cannot be adequately represented by any other party in this proceeding. Thus, granting this motion would be in the public interest. AIP and OMAEG request that this intervention be granted with all rights associated with that status.

IV. PROTEST

A. Columbia Has Not Demonstrated that its Proposed Capital and Compliance Recovery Mechanism is Just and Reasonable and Satisfies the Commission's Policy Statement in Docket No. PL15-1-000.

Discovery and hearing are required to determine whether Columbia has demonstrated that its proposed "CCRM" satisfies the standards set forth in the Commission's PL15-1 Policy Statement. The PL15-1 Policy Statement permits the use of a tracker mechanism in "*limited* circumstances"[14] as defined by five standards: (1) Review of Existing Base Rates, (2) Defined Eligible Costs; (3) Avoidance of Cost Shifting; (4) Periodic Review of the Surcharge and Base Rates; and (5) Shipper Support.[15] The Commission established these standards to "ensure that consumers are protected against potential effects of any modernization cost trackers or surcharges,"[16] including "cost shifts and other potential pitfalls commonly associated with

[14] PL15-Policy Statement, 151 FERC ¶ 61,047 at P 39 (emphasis added).

[15] *Id.* P 2.

[16] *Id.* P 31.

trackers."[17] Indeed, the Commission generally "disfavor[s]" tracker mechanisms because cost shifting could occur "without consideration of any offsetting items that would generally be considered in a section 4 rate proceeding, and which the pipeline would normally need to justify to recover."[18]

As described in more detail by Columbia witnesses Matt Parks and Kelly Griffin,[19] this modernization program would represent the fourth modernization program undertaken by Columbia. Columbia's last NGA section 4 rate filing in Docket No. RP20-1060-000 resulted in a settlement ("Modernization III Settlement") wherein the CCRM was extended for a third term. The Modernization III Settlement was a continuation of the core elements and the framework of the previous Modernization I Settlement (Docket No. RP12-1021-000) and Modernization II Settlement (Docket No. RP16-314-000). The Modernization III Settlement focused on projects that involved facilities that: (i) operated at a relatively high level of risk; (ii) required upgrades to meet current regulations or those pending final rule status; or (iii) had lower than desired reliability to meet current or future service requirements due to current design or conditions. The Modernization III Settlement also allowed Columbia to recover capital costs incurred to execute projects design to ensure: (1) the continued safety and integrity of the system; (2) compliance with third-party mandates such as the U.S. Department of Transportation Pipeline Hazardous Materials Safety Administration's ("PHMSA") Pipeline Safety: Safety of Gas Transmission Pipelines rulemaking ("Mega Rule"); and (3) continued system reliability through, among other things, horsepower replacement projects. Columbia also undertook storage modernization

[17] *Id.* P 39.

[18] *Id.* P 79 (citation omitted).

[19] Statement P, Ex. TCO-0023; Statement P, Ex. TCO-0025-.

projects to comply with PHMSA's Storage Final Rule as well as counter-storage projects to control against migration of gas into non-effective or uncontrolled areas of a reservoir.

Despite three prior modernization programs, Columbia asserts that it needs an additional $2.9 billion over the next seven years for modernization. Witness Parks testifies Columbia's modernization program is driven by (1) third-party compliance and safety requirements; (2) the age and condition of certain facilities, including the presence of certain legacy pipeline types and construction techniques; and (3) the overall need to continue to improve system safety and reliability.[20] However, many of the compliance requirements that Witness Parks discusses were supposed to be addressed in prior modernization programs. For example, in terms of compliance and safety, Parks specifically references the PHMSA Mega Rule and Storage Final Rule addressed in the Modernization I-III Settlements.[21] Witness Parks also address new proposed regulations proposed pursuant to PHMSA's Leak Detection and Repair ("LDAR") rule.[22] He asserts that Columbia is also subject to the Protecting our Infrastructure of Pipelines and Enhancing Safety Act of 2020 ("PIPES Act").[23] In addition, he references that the U.S. Environmental Protection Agency ("EPA"), and the U.S. Department of Homeland Security Transportation Security Administration ("TSA") have also issued a number of directives and standards impacting Columbia's compressor stations.[24] AIP and OMAEG protest this modernization tracker for failure to comply with the Commission's PL15-1 Policy Statement, for the reasons stated below.

[20] Statement P, Ex. No. TCO-0025, at 5.

[21] *Id.* 3-4.

[22] *Id.* at 5.

[23] *Id.*

[24] *Id.*

First, Columbia has not met the Commission's requirement to demonstrate its proposed base rates are just and reasonable.[25] The Commission states it "is necessary to ensure that the overall rate produced by the addition of the surcharge to the base rate is just and reasonable and does not reflect any cost over-recoveries that may have been occurring under the preexisting base rates."[26] However, as discussed in more detail below, there are material issues of fact regarding whether Columbia's proposed rates are just and reasonable.

Second, Columbia's $2.9 billion surcharge may include costs that are not "Eligible Costs" as defined by the PL15-1 Policy Statement, that is, those that are not "one-time capital costs incurred to modify or replace existing facilities on the pipeline's system to comply with safety or environmental regulations" or "other one-time capital costs shown to be necessary for the safe or efficient operation of the pipeline."[27] The Commission permits these types of costs to be included in a tracker to serve the PL15-1 Policy Statement's intended purpose of "address[ing] imminent and foreseeable developments related to the safety and reliability of the natural gas interstate pipeline system."[28] Capital costs that a pipeline incurs as part of its "ordinary, recurring system maintenance requirements" do not meet the PL15-1 Policy Statement's intended purpose and are not "Eligible Costs."[29]

Columbia's proposed CCRM may include costs that are not "Eligible Costs" because they appear to be forecasted ongoing costs that are part of Columbia's overall maintenance and integrity program. In addition, the proposed Eligible Facilities Plan is subject to unilateral change by

[25] PL15-1 Policy Statement, 151 FERC ¶ 61,047 at P 45.

[26] *Id.* P 51.

[27] *Id.* P 63.

[28] *Id.* P 42.

[29] *Id.* P 63.

Columbia. Put differently, there is not sufficient information to ensure facilities listed in the Eligible Facilities Plan are in fact "Eligible Costs." Witness Parks testifies that Columbia retains the discretion to add additional projects and controls the timing of such projects.[30] Thus, the CCRM may run counter to the Commission's goals of ensuring participants have the necessary information to "allow for a more transparent and upfront determination of the project costs that are eligible for recovery through the tracker" and "help ensure that normal capital or other expenditures to maintain the pipeline's system in the ordinary course of business are not eligible for recovery through a surcharge mechanism."[31]

Third, Columbia's proposal for a transmission billing determinant floor[32] may not addresses the PL15-1 Policy Statement's concern regarding avoidance of cost shifting.

Fourth, the CCRM may not satisfy the standard for including a method for "a periodic review of whether the surcharge *and* the pipeline's base rates remain just and reasonable."[33]

Fifth, Columbia has not demonstrated it has "work[ed] collaboratively with shippers and other interested parties to seek support for any such proposal" as required by the PL15-1 Policy Statement.[34] There is no indication that Columbia sought "resolution of as many issues as possible" or provided "customers and interested parties an opportunity to comment on draft tariff language setting forth [Columbia's] proposed modernization cost recovery mechanism."[35]

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[30] Statement P, Ex. No. TCO-0025, at 16-17.

[31] PL15-1 Policy Statement, 151 FERC ¶ 61,047 at P 70.

[32] Statement P, Ex. No. TCO-0023, at 18.

[33] PL15-1 Policy Statement, 151 FERC ¶ 61,047 at P 87 (emphasis added).

[34] *Id.* P 93.

[35] *Id.*

B. Columbia Has Not Demonstrated That Its Proposed Rate Increases Are Just and Reasonable.

Columbia's proposed increases in cost of service and rate base raise issues of material fact that require examination in an evidentiary hearing.

Return on Equity – Columbia's proposed 14.61% ROE may be unjust and unreasonable as it exceeds the last litigated ROE of 11.25%.[36] In addition, early this year Commission Trial Staff filed testimony calculating an average median ROE of 10.14% for a proxy group made up of five of the six core proxy group companies selected by Columbia.[37]

Capital Structure – Columbia proposes a capital structure of 35.03% debt and 64.97% equity based on the capital structure of its immediate parent, Columbia Pipelines Operating Company, LLC.[38] Columbia states using its intermediate parent company's capital structure is appropriate because Columbia does not issue external long-term debt without a parental guarantee.[39] While the Commission's policy is to impute a capital structure where a subject company does not issue its own non-guaranteed debt, the Commission will not use a proposed equity ratio that is "excessive in light of equity ratios approved by the Commission in other recent cases and in comparison with the equity ratios of the proxy companies."[40] Columbia has not demonstrated that its intermediate parent's equity ratio of 64.97% is consistent with equity ratios recently approved by the Commission or of the proxy companies.

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[36] *Panhandle E. Pipe Line Co., LP*, Order No. 885, 181 FERC ¶ 61,211, at P 110 (2022), *order on reh'g*, Opinion No. 885-A, 184 FERC ¶ 61,181 (2023).

[37] Answering Testimony of Douglas M. Green, Saltville Gas Storage Company, L.L.C., Docket No. RP23-930-000, Exhibit S-0001, at 86:20-21 (April 9, 2024). The proxy group members included Enbridge Inc., Kinder Morgan, Inc., National Fuel Gas Co., TC Energy Corp., and Williams Companies. Columbia's proposed Core Proxy Group includes Enbridge Inc., Energy Transfer LP, Kinder Morgan Inc., National Fuel Gas, TC Energy Corp., and Williams Companies.

[38] Transmittal Letter at 8-9.

[39] *Id.* at 9.

[40] *Transcontinental Gas Pipe Line Corp.*, Opinion No. 414-A, 84 FERC ¶ 61,084, at 61,415 (1998).

The proposed equity ratio is higher than the Commission's most recently approved equity ratio of 62.94% in *Panhandle Eastern Pipeline Company, LP* ("*Panhandle*").[41] In addition, the proposed 64.97% equity is higher than the equity ratios for five of the six core proxy group companies selected by Columbia and which Commission Trial Staff calculated in recent testimony.[42] For a test period ending December 31, 2023, Trial Staff calculated an average equity ratio of 45.09% for the five core proxy group members, ranging from 36.67% for Williams Companies to 55.41% for National Fuel Gas Co.[43]

Depreciation Rates – Columbia has not supported its proposal to increase depreciation and negative salvage rates.[44] The 2021 Settlement approved the following depreciation and negative salvage rates: (1) for transmission plant, a depreciation rate of 1.5% and a negative salvage and terminal decommissioning rate of 0.0%; (2) for underground storage plant, a depreciation rate of 2.2% and negative salvage and terminal decommissioning rate of 0.85%; and (3) for gathering plant, a depreciation rate of 1.83% and a negative salvage and terminal decommissioning rate of 0.4%.[45] In this proceeding, Columbia proposes to increase (1) the depreciation rate to 3.37% and negative salvage and terminal decommissioning rate to 0.69% for transmission plant; (2) the depreciation rate to 2.82% and the negative salvage and terminal decommissioning rate to 0.89% for underground storage plant; and (3) the depreciation rate to 3.37% and the negative salvage and terminal decommissioning rate to 0.69% for gathering plant.[46]

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[41] Opinion No. 885, 181 FERC ¶ 61,211 at PP 91, 97-100.

[42] Answering Testimony of Douglas M. Green, Saltville Gas Storage Company L.L.C., Docket No. RP23-930-000, Exhibit No. S-0002, Schedule 1.

[43] *Id.*

[44] Transmittal Letter at 10.

[45] 2021 Settlement, at App. F

[46] Transmittal Letter at 10.

Columbia bases its adjustments on an economic horizon truncated at 2050[47] – that is, a 25-year economic life – based on “the expected significant reduction in natural gas consumption and transportation, which would be necessitated by the requirements of public authorities that target 2050 or earlier.”[48] However, the Energy Information Administration’s *Annual Energy Outlook*, published in May 2023, forecasts that the total “domestic natural gas consumption remains relatively stable” through 2050.[49] Moreover, a 25-year economic life is significantly less than the 35-year economic life that the Commission has approved for several pipelines.[50]

Discount Adjustment – Columbia proposes discount adjustments for firm transportation for service provided at discounted rates which Columbia states were offered to meet competition.[51] In *Panhandle*, the Commission explained that a pipeline must satisfy its initial burden of demonstrating that discounts are given to meet competition.[52] Columbias’s filing also raises issues regarding its downward adjustment to short-term firm transportation, short-term storage, or interruptible contracts and PAL activity.[53] The reasonableness of Columbia’s proposed adjustments and consistency of those adjustments with Commission policy should be subject to discovery and addressed at hearing.

Roll-in Costs of the Virginia Electrification Project – Columbia proposes to roll into the base system, the costs of the Virginia Electrification Project that the Commission certificated in

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[47] Statement P, Ex. No. TCO-0058, at 1.

[48] Statement P, Ex. No. TCO-0035, at 42.

[49] Energy Information Administration, *Annual Energy Outlook*, at 6 (May 2023), https://www.eia.gov/outlooks/aeo/pdf/AEO2023_Narrative.pdf.

[50] Opinion No. 885, 181 FERC ¶ 61,211 at PP 189, 191 (citing *Portland Nat. Gas Transmission Sys.*, 134 FERC ¶ 61,129, at P 138 (2011); *Williston Basin*, 95 FERC ¶ 63,008, at 65,102-65,103 (2001); *Kern River Gas Transmission Co.*, 117 FERC ¶ 61,077 (2006)).

[51] Transmittal Letter at 10.

[52] Opinion No. 885-A, 184 FERC ¶ 61,181 at P 247.

[53] Statement P, Ex. No. TCO-0074, at 5-6.

2023 in Docket No. CP21-498-000.[54] Columbia claims that the Virginia Electrification Project facilities satisfy the Commission's "no-subsidization" requirement for rolled-in rate treatment.[55] These claims raise factual issues that require examination of the claimed costs, cost allocation, rate design, and billing determinants for base system rates and the Virginia Electrification Project separately and on a rolled-in basis in the context of a hearing in this proceeding.

Rate Design – In its Preferred Case, Columbia proposes to change its current postage-stamp rate design to a two-zone rate structure. Columbia proposes to establish a zone boundary between the East and West Zones of its system based on its claims that these reflect operating areas that have been in place and in use on Columbia's system.[56] Columbia also proposes that the TCO Pool, which it alleges is the primary paper pool on the pipeline system, will be located at a neutral point for rate design and billing purposes, while, for scheduling and system design purposes, TCO Pool will be located near the Lanham compressor station in the West Zone.[57] Similarly, Columbia's Segmentation Pool will be treated as if it is located at a neutral point.[58] Columbia alleges that the proposed two-zone structure is consistent with the Commission's rate design policies, because it will: (1) enable Columbia to maximize throughput; (2) reflect material variations in the cost of providing service due to the distance over which transportation will occur; and (3) reflect the operational characteristics of Columbia's system, including physical configuration, distinct operational areas, and gas flows. Columbia has not shown its Preferred Case to be just and reasonable, and, therefore, it should be set for hearing in this proceeding.

[54] Transmittal Letter at 10.

[55] *Id.*

[56] *Id.* at 11.

[57] *Id.*

[58] *Id.*

C. Columbia Has Not Demonstrated That Its Proposed Tariff Changes are Just and Reasonable.

Columbia's proposed tariff changes raise issues of material fact that require examination in an evidentiary hearing.

Elimination of Automatic Right of First Refusal ("ROFR") – Columbia proposes to eliminate the automatic ROFR for existing shippers.[59] Columbia has not demonstrated that elimination of the automatic ROFR is just and reasonable.

Broadening Application of Critical Day Penalties – Columbia proposes to broaden the application of existing, substantive, Critical Day penalties within the GT&C to violations of interruption orders, OFOs, and unauthorized withdrawal limitations within Rate Schedules FSS and FSS-M.[60] The current penalties for violations of interruption orders, OFOs, and unauthorized withdrawals on Critical Days under Rate Schedules FSS and FSS-M include a price per Dth penalty level equal to three times the midpoint of the range of prices reported for "Columbia Gas, Appalachia" as published in Platts Gas Daily price survey. The proposed change is to make the penalty level the higher of either: (1) a price per Dth equal to three times the midpoint of the range of prices reported for "Columbia Gas, Appalachia" as published in Platts Gas Daily price survey; or (2) a price per Dth equal to 150% of the highest midpoint posting for either Mich Con City-gate, Transco, Zone 6 Non-N.Y., or Texas Eastern, M-2 Receipts as published in Platts Gas Daily price survey.[61] Columbia is also proposing to broaden its confiscation rights when shippers exceed stated volume limitations in these rate schedules.[62] Columbia has not shown that these changes are just and reasonable.

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[59] *Id.* at 14.

[60] Transmittal Letter at 13.

[61] *Id.*

[62] *Id.* at 14.

Operational Transaction Rate Adjustment ("OTRA") – Columbia proposes to continue in effect its OTRA mechanism, which was originally approved by the Commission in 2012 and has been extended periodically since the initial approval.[63] Columbia originally implemented the OTRA mechanism as a temporary measure to address certain operational problems that resulted from a significant reduction in receipts onto Columbia's system in northern Ohio receipts. Columbia has not shown that the continuation of the OTRA is warranted.

Tariff Change Related to Hourly Takes – Columbia claims it is "clarifying that, unless otherwise stated in a contract, the Tariff provides shippers the right to take volumes up to an hourly rate of 1/24th of their Maximum Daily Delivery Obligation ("MDDO") (or Daily Delivery Quantity ("DDQ"), if applicable)."[64] According to Columbia, while "under [its] Tariff, there are no stated limitations on the rate at which a shipper can take its MDDO (or DDQ where it exists),"[65] "the historic understanding and practice on Columbia is that where not otherwise stated in a shipper's service agreement, 1/24th of the MDDO (or DDQ) is the contractual rate."[66] Columbia states it will continue providing flexibility to shippers when possible, and will use this clarification to limit shippers to 1/24th of their MDDOs (or DDQs) only when necessary to protect system operations.[67]

Columbia's "clarification" is an attempt to make an unauthorized change to the Tariff. As Columbia states, the Tariff includes "*no* stated limitations on the rate at which a shipper can take its MDDO (or DDQ where it exists)."[68] The plain language of the Tariff governs, not Columbia's

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[63] *Id.* at 14-15.

[64] Transmittal Letter at 15.

[65] *Id.*

[66] *Id.*

[67] *Id.*

[68] *Id.* (emphasis added).

understanding.[69] Columbia's "clarification" is a change to the Tariff which Columbia has the burden of demonstrating is just and reasonable.[70] Because Columbia fails to make any demonstration, the Commission should reject Columbia's "clarification" or, in the alternative, the "clarification" should be set for hearing in this proceeding.

For the above reasons, the Commission should set the tariff changes for evidentiary hearings and not allow them to become effective unless the changes are determined to be just and reasonable.

V. REQUEST FOR EVIDENTIARY HEARING AND MAXIUM RATE SUSPENSION

AIP and OMAEG request that the Commission find that the proposed rates and tariff records have not been shown to be just and reasonable and that they may be unjust, unreasonable, and unduly discriminatory or otherwise unlawful. Based on this finding, the Commission should suspend their effectiveness for the full five-month maximum period permitted by the NGA.

VI. CONCLUSION

For the foregoing reasons, AIP and OMAEG respectfully request that the Commission (1) grant the instant motion to intervene with the full rights as parties to this proceeding; (2) suspend the proposed increases in rates for Columbia's transportation and storage services and other tariff changes for the maximum five-month suspension period and make all such changes effective thereafter subject to refund; and (3) establish evidentiary hearings to determine the justness and reasonableness of the proposed changes.

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[69] *Firstenergy Serv. Co. v. FERC*, 758 F.3d 346, 357 (D.C. Cir. 2014) ("the plain language of the tariff does indeed govern").

[70] 15 U.S.C. § 717c(d) ("Unless the Commission otherwise orders, no change shall be made by any natural-gas company in any such rate, charge, classification, or service . . . .").

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that I have this day caused a copy of the foregoing document to be served upon each person designated on the Service List for this docket compiled by the Secretary in accordance with the Commission's Rules of Practice and Procedure.

Dated at Washington, DC, this 15th day of October 2024.

/s/ Carolyn E. Clarkin
Carolyn E. Clarkin