

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of)	
Christi Water System, Inc. for an)	Case No. 24-798-WW-AIR
Increase in Rates and Charges.)	

**MOTION TO INTERVENE
BY
OFFICE OF THE OHIO CONSUMERS' COUNSEL**

The Office of the Ohio Consumers' Counsel ("OCC") moves to intervene¹ in this case where Christi Water System, Inc. ("Christi" or "Utility") seeks a 32.3% increase in the rates charged to consumers for water service.² Christi's consumers currently pay \$34.34 per month for up to 50 cubic feet of water.³ If Christi's application is approved, consumers will pay at least \$45.43⁴ (\$11 more per month) for the same service.

OCC is filing on behalf of Christi's residential utility consumers, who reside in the Christi Meadows Subdivision, River Chase Properties, and Webco Properties located in Noble Township, Defiance County, Ohio.⁵ The reasons the Public Utilities Commission of Ohio ("PUCO") should grant OCC's Motion are further set forth in the attached Memorandum in Support.

¹ See R.C. Chapter 4911, R.C. 4903.221 and Ohio Adm. Code 4901-1-11.

² See *In the Matter of the Application of Christi Water System, Inc. for an Increase in Rates and Charges*, Case No. 24-798-WW-AIR, Small Utility Application for an Increase in Rates and Charges (Aug. 8, 2024) ("Application") at Exhibits 1 and 2.

³ *Id.*

⁴ *Id.* at Exhibit 1 (Proposed base rate plus proposed purchase charge).

⁵ *Id.* at Exhibit 1.

Respectfully submitted,

Maureen R. Willis (0020847)
Ohio Consumers' Counsel

/s/ Donald Kral

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MEMORANDUM IN SUPPORT

On August 8, 2024, Christi Water System, Inc. (“Christi”) filed an abbreviated application for an Increase in Rates.⁶ In its filing, Christi proposes an increase of more than 32% in the rates charged to consumers for water service.⁷ Christi’s residential utility consumers reside in the Christi Meadows Subdivision, River Chase Properties, and Webco Properties located in Noble Township, Defiance County, Ohio. OCC has authority under law to represent the interests of Christi’s residential utility consumers, under R.C. Chapter 4911.

R.C. 4903.221 provides the standard for permissive intervention – where the PUCO may exercise discretion in ruling upon a party’s motion to intervene. That law provides, in part, that any person “who may be adversely affected” by a PUCO proceeding is entitled to seek intervention in that proceeding.

The interests of Ohio’s residential consumers may be “adversely affected” by this case, especially if the consumers were unrepresented in a proceeding in which their water

⁶ Small water companies (those having 7,500 or less customers) are permitted to file an abbreviated application pursuant to R.C. §4909.18 and Oh. Adm. Code §4901-7, Standard Filing Guidelines, Chapters III-IV.

⁷ See Application at Exhibits 1 and 2.

service rates may increase by more than 32%. Thus, this element of the permissive intervention standard in R.C. 4903.221 is satisfied.

R.C. 4903.221(B) requires the PUCO to consider the following criteria in ruling on permissive intervention:

- (1) The nature and extent of the prospective intervenor's interest;
- (2) The legal position advanced by the prospective intervenor and its probable relation to the merits of the case;
- (3) Whether the intervention by the prospective intervenor will unduly prolong or delay the proceeding; and
- (4) Whether the prospective intervenor will significantly contribute to the full development and equitable resolution of the factual issues.

First, the nature and extent of OCC's interest is representing the residential consumers of Christi who may ultimately be required to pay an increase in water service rates of more than 32%. This interest is different than that of any other party and especially different than that of the utility whose advocacy includes its own financial interests.

Second, OCC's advocacy for residential consumers will include, among other things, advancing the position that rates Christi's residential consumers are required to pay should be no more than what is reasonable and lawful under Ohio law, for service that is adequate under Ohio law. OCC's position is therefore directly related to the merits of this case, which is pending before the PUCO, the authority with regulatory control of public utilities' rates and service quality in Ohio.

Third, OCC's intervention will not unduly prolong or delay the proceedings. Delay in and of itself does not mean that intervention should be denied. The key consideration is whether the intervention will cause "undue delay." Here OCC's

intervention will not cause undue delay. OCC's intervention will only include the advocacy, discovery, and litigation necessary to protect consumers from unreasonable or unlawful charges.

OCC will attempt to avoid duplicative discovery in the proceeding. The issues OCC will raise fall clearly within the scope of the proceeding regarding Christi's request for an increase in the rates and charges its water service consumers are required to pay. In addition, OCC will use its best efforts to comply with any procedural schedule that the PUCO may adopt for this proceeding.

Further, OCC, with its longstanding expertise and experience in PUCO proceedings and consumer protection advocacy, will duly allow for the efficient processing of the case with consideration of the public interest. OCC regularly intervenes and participates in cases regarding water rate base cost increases.⁸ There will be no prejudice to the PUCO Staff and Christi in granting OCC intervention.

Fourth, OCC's intervention will significantly contribute to full development and equitable resolution of the factual issues. OCC will obtain and develop information that the PUCO should consider for equitably and lawfully deciding the case in the public interest. OCC's interest in protecting residential consumers will lead it to fully and carefully examine issues regarding reasonable and lawful water service rates and charges for residential consumers. No other party is solely focused on the needs of residential

⁸ See *In the Matter of the Application of Christi Water System, Inc. for an Increase in Rates and Charges*, Case No. 20-1428-WW-AIR (Christi Water System, Inc.'s last Application to Increase Rates); *In the Matter of the Application of Aqua Ohio, Inc. to Increase its Rates and Charges for its Waterworks Service*, Case No. 22-1094-WW-AIR; and *In the Matter of the Application of Aqua Ohio, Inc. to Increase its Rates and Charges for its Waterworks Service*, Case No. 21-0595-WW-AIR.

consumers and thus, there can be no equitable resolution of the factual issues in this case absent OCC's participation.

OCC also satisfies the intervention criteria in Ohio Administrative Code Rule 4901-1-11(A) which sets the standard for *intervention as of right*, mirroring Ohio Civil Rule 24(A). Under 4901:1-11(A)(2) a person shall be granted intervention as of right if it has a real and substantial interest in a proceeding and is "so situated that disposition of the proceeding may, as a practical matter, impair or impede his or her ability to protect that interest, unless the person's interest is adequately represented by existing parties."

As the statutory advocate for residential utility consumers, OCC has a very real and substantial interest in this case where Christi seeks to increase residential consumers' water services rates by more than 32% overall. Disposition of this proceeding may, as a practical matter, impair or impede OCC's ability to protect that interest where the interest is not adequately represented by existing parties - the PUCO Staff and the utility. OCC should be granted intervention as of right under O.A.C. 4901-1-11(A)(2).

In addition, OCC meets the permissive intervention criteria of O.A.C. 4901-1-11(B)(1)-(4). These criteria mirror the permissive intervention criteria in R.C. 4903.221(B) that OCC already has addressed and that OCC satisfies.

O.A.C. 4901-1-11(B)(5) states that the PUCO shall consider "(t)he extent to which the person's interest is represented by existing parties." While OCC does not concede the lawfulness of this criterion, OCC satisfies this criterion in that it has been uniquely designated as the state representative of the interests of Ohio's residential utility consumers. OCC's interest is different from, and not represented by, any other entity in Ohio.

Moreover, the Supreme Court of Ohio confirmed OCC's right to intervene in PUCO proceedings, in deciding two appeals in which OCC claimed the PUCO erred by denying its interventions. The Court found that the PUCO abused its discretion in denying OCC's interventions and that OCC should have been granted intervention in both proceedings.⁹

OCC meets the criteria set forth in R.C. 4903.221, O.A.C. 4901-1-11, and the precedent established by the Supreme Court of Ohio for intervention. On behalf of Ohio residential consumers, the PUCO should grant OCC's Motion to Intervene.

Respectfully submitted,

Maureen R. Willis (0020847)
Ohio Consumers' Counsel

/s/ Donald Kral
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⁹ See *Ohio Consumers' Counsel v. Pub. Util. Comm.*, 111 Ohio St.3d 384, 2006-Ohio-5853, ¶¶ 13-20.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion to Intervene has been served electronically upon those persons listed below this 3rd day of September, 2024.

/s/ Donald Kral

Donald Kral

Assistant Consumers' Counsel

The PUCO's e-filing system will electronically serve notice of the filing of this document on the following parties:

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Summary: Motion Motion to Intervene by Office of the Ohio Consumers' Counsel
electronically filed by Denise Walters on behalf of Kral, Donald.