

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Commission-Ordered     )  
Investigation of Marketing Practices in the     )     Case No. 14-568-EL-COI  
Competitive Retail Electric Service Market     )

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**MOTION TO INTERVENE AND MEMORANDUM IN SUPPORT OF IGS ENERGY**

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**MOTION TO INTERVENE**

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Pursuant to R.C. 4903.221 and Rule 4901-1-11, Ohio Administrative Code (“OAC”), Interstate Gas Supply, Inc. (“IGS” or “IGS Energy”) moves to intervene in the above captioned proceeding in which the Commission opened an investigation to determine whether “it is unfair, misleading, deceptive, or unconscionable to market contracts as fixed-rate contracts or as variable contracts with a guaranteed percent off the [standard service offer] rate when the contracts include pass-through clauses.”<sup>1</sup>

As set forth in the attached Memorandum in Support, IGS submits that it has a direct, real, and substantial interest in the issues and matters involved in the above-captioned proceeding, and that it is so situated that the disposition of this proceeding without IGS’s participation may, as a practical matter, impair or impede IGS’ ability to protect that interest. IGS further submits that its participation in this proceeding will not cause undue delay, will not unjustly prejudice any existing party, and will contribute to the just and expeditious resolution of the issues and concerns raised in this proceeding.

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<sup>1</sup> Entry at 1 (citations removed).

IGS' interests will not be adequately represented by other parties to this proceeding and therefore IGS is entitled to intervene in this proceeding with the full powers and rights granted to intervening parties.

Respectfully submitted,

/s/ Joseph Olikier

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**MEMORANDUM IN SUPPORT**

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IGS has over 25 years of experience serving customers in Ohio's competitive markets. IGS serves over 1 million customers nationwide and sells natural gas and electricity to customers in 11 states and in over 40 utility service territories. In Ohio, IGS currently serves electric customers in the AEP, Duke Energy Ohio, FirstEnergy and the Dayton Power & Light service territories. The IGS family of companies (which include IGS Generation, IGS Home Services and IGS CNG Services) also provides customers focused energy solutions that complement IGS Energy's core commodity business including distributed generation, demand response, CNG refueling, back-up generation and utility line protection.

IGS respectfully submits that it is entitled to intervene in this proceeding because IGS has a real and substantial interest in this proceeding, the disposition of which may impair or impede IGS' ability to protect that interest. For purposes of considering requests for leave to intervene in a Commission proceeding, the Commission's rules provide that:

Upon timely motion, any person shall be permitted to intervene in a proceeding upon a showing that: (1) A statute of this state or the United States confers a right to intervene. (2) The person has a real and substantial interest in the proceeding, and the person is so situated that

the 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.<sup>2</sup>

Further, R.C. 4903.221(B) and Rule 4901-1-11(B), OAC, provide that the Commission, in ruling upon applications to intervene in its proceedings, shall consider the following criteria:

(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 proceedings; (4) Whether the prospective intervenor will significantly contribute to full development and equitable resolution of the factual issues.

IGS has a substantial interest in this proceeding, insofar as the resolution of this proceeding may impact the products that competitive retail electric service ("CRES") providers offer to customers, as well as CRES providers' marketing practices.

Accordingly, IGS has direct, real, and substantial interests in this proceeding. IGS' intervention will not unduly delay this proceeding. Further, IGS is so situated that without IGS' ability to fully participate in this proceeding, its substantial interest will be prejudiced. Others participating in this proceeding do not represent IGS' interests. Inasmuch as others participating in this proceeding cannot adequately protect IGS' interests, it would be inappropriate to determine this proceeding without IGS' participation.

Finally, the Supreme Court of Ohio has held that intervention should be liberally allowed for those with an interest in the proceeding.<sup>3</sup> In light of the liberal interpretation of the intervention rules, IGS clearly meets the standards for intervention in this

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<sup>2</sup> Rule 4901-1-11(A), OAC.

<sup>3</sup> *Ohio Consumers' Counsel v. Pub. Util. Comm.*, (2006) 111 OhioSt.3d 384, 388.

proceeding.

For the reasons set forth above, IGS respectfully requests the Commission grant this Motion to Intervene.

Respectfully submitted,

/s/ Joseph Olikier  
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***Attorneys for IGS Energy***

## **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing *IGS Energy's Motion to Intervene and Memorandum in Support* was served this 9th day of May 2014 via electronic mail upon the following:

/s/ Joseph Olikier

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Summary: Motion to Intervene and Memorandum in Support electronically filed by Mr. Joseph E. Olikar on behalf of IGS Energy