

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the 2018 Long-Term)	
Forecast Report on behalf of Ohio Power)	Case No. 18-0501-EL-FOR
Company and Related Matters.)	

**MOTION TO INTERVENE
AND MEMORANDUM IN SUPPORT OF INTERSTATE GAS SUPPLY, INC. AND IGS
SOLAR, LLC**

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October 4, 2018

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MOTION TO INTERVENE

Pursuant to R.C. 4903.221 and Rule 4901-1-11, Ohio Administrative Code (“OAC”), Interstate Gas Supply, Inc. (“IGS” or “IGS Energy”) and IGS Solar, LLC (“IGS Solar”) (collectively “IGS”) move to intervene in the above captioned proceeding, in which Ohio Power Company (“AEP”) is seeking a finding of need for the development of up to 900 MW of renewable generation within its service territory. The outcome of this proceeding will impact all customers within the AEP service territory who receive and pay for electric distribution service from AEP.

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’ 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.

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

Respectfully submitted,

/s/ Joseph Olikier

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MEMORANDUM IN SUPPORT

IGS has over 28 years of experience serving customers in Ohio’s competitive gas and electric 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 of various sizes across the AEP, Duke, DP&L, and First Energy service territories. The IGS family of companies (which also include IGS Solar, IGS Generation, IGS Home Services, and IGS CNG Services) also provide customers focused energy solutions that complement IGS Energy’s core commodity business including distributed generation, demand response, compressed natural gas refueling, back-up generation, and utility line protection. IGS Solar develops and builds solar projects ranging in scope from residential rooftop systems to large commercial scale systems across the United States.

In this case, AEP is seeking a finding of “need” for up to 900 MWs of renewable generation to be built within their service territory.¹ AEP is seeking the approval of renewable generation while admitting that the PJM Interconnection, LLC markets adequately supply energy and capacity to customers in Ohio, including the AEP service

¹ Amendment to the 2018 Long-Term Forecast Report of Ohio Power Company (Sept. 19, 2018).

territory.² AEP is seeking a finding of need despite the fact that the market is already delivering solar-based products and services to customers in Ohio without the need for the imposition of generation-related subsidies funded by all distribution customers.

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 its 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.³

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

² *Id.* at 3.

³ Rule 4901-1-11(A), OAC.

IGS has direct, real, and substantial interests in this proceeding. IGS provides competitive retail electric services and solar products and services to customers of varying sizes within AEP's service territory. AEP's proposal to subsidize the construction of renewable generation resources will negatively impact IGS' and IGS Solar's business in several different ways.

IGS's intervention will not unduly delay this proceeding, as the Commission has yet to set a procedural schedule in the case. 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' direct interests. It would be inappropriate to determine this proceeding without IGS' participation, as the other parties in the case cannot adequately represent and protect the interests of IGS in this proceeding.

Finally, the Supreme Court of Ohio has held that intervention should be liberally allowed for those with an interest in the proceeding.⁴ In light of the liberal interpretation of the intervention rules, IGS clearly meets the standards for intervention in this proceeding.

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

Respectfully submitted,

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⁴ *Ohio Consumers' Counsel v. Pub. Util. Comm.*, (2006) 111 OhioSt.3d 384, 388.

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CERTIFICATE OF SERVICE

I certify that this Motion to Intervene and Memorandum in Support of *Interstate Gas Supply, Inc.* and *IGS Solar, LLC.* was filed electronically through the Docketing Information System of the Public Utilities Commission of Ohio on this 4th day of October 2018. The PUCO's e-filing system will electronically serve notice of the filing of this document on the following parties:

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/s/ Joseph Olikier
Joseph Olikier

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Case No(s). 18-0501-EL-FOR

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