

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Ohio)
Power Company to Amend its Tariffs.) 17-1234-EL-ATA

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

Joseph Olikar (0086088)
Counsel of Record
joe.oliker@igs.com
Michael Nugent (0090408)
michael.nugent@igs.com
IGS Energy
6100 Emerald Parkway
Dublin, Ohio 43016
Telephone: (614) 659-5000
Facsimile: (614) 659-5073

Attorneys for IGS
(willing to accept service via e-mail)

June 6, 2019

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In the Matter of the Application of Ohio)
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MOTION TO INTERVENE

Pursuant to R.C. 4903.221 and Ohio Adm. Code 4901-1-11, Interstate Gas Supply, Inc. ("IGS") moves to intervene in the above captioned proceeding that was established to consider Ohio Power Company's ("AEP Ohio") application for approval of a Time-of-Use ("TOU") Rate for Residential and General Service 1 customers.

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 throughout consideration of the issues raised in the proceeding.

IGS' interests will not be adequately represented by other parties to these proceedings 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

Joseph Olikier (0086088)

Counsel of Record

joe.oliker@igs.com

Michael Nugent (0090408)

michael.nugent@igs.com

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MEMORANDUM IN SUPPORT

In support of this Motion to Intervene, IGS notes it has almost 30 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 across 40 utilities, including the AEP Ohio service territory. IGS respectfully submits that it is entitled to intervene in this case because IGS has a real and substantial interest in the 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 Commission proceedings, Ohio Adm. Code 4901-1-11(A) provides:

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.

Further, R.C. 4903.221(B) and Ohio Adm. Code 4901-1-11(B), 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; and

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

As a certified retail electric service provider in Ohio, IGS has a real and substantial interest in this proceeding. IGS and its family of companies provide its customers with a diverse range of retail products and services, including competitive generation service. Additionally, IGS was a Signatory Party to the Stipulation in AEP Ohio's gridSMART Phase 2 case,¹ which required AEP Ohio to file the application in this proceeding.

Further, IGS and its counsel have substantial experience appearing and practicing before the Commission, thus IGS intervention will not unduly prolong or delay these proceedings. Additionally, 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 the case.

Finally, the Supreme Court of Ohio has held that intervention should be liberally allowed for those with an interest in the proceeding.² 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.

¹ *In re App. of Ohio Power Co. to Initiate Phase 2 of its gridSMART Project and to Establish the gridSMART Phase 2 Rider*, Case No. 13-1939-EL-RDR.

² *Ohio Consumers' Counsel v. Pub. Util. Comm.*, 111 Ohio St.3d 384, 2006-Ohio-5853.

Respectfully submitted,

/s/ Joseph Olikier

Joseph Olikier (0086088)

Counsel of Record

joe.oliker@igs.com

Michael Nugent (0090408)

michael.nugent@igs.com

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Attorneys for IGS

(willing to accept service via e-mail)

CERTIFICATE OF SERVICE

I certify that this *Motion to Intervene and Memorandum in Support of Interstate Gas Supply, Inc.* was filed electronically through the Docketing Information System of the Public Utilities Commission of Ohio on June 6, 2019. The following parties have been electronically served notice of the filing of this document:

stnourse@aep.com

john.jones@ohioattorneygeneral.gov

christopher.healey@occ.ohio.gov

Ambrosia.logsdon@occ.ohio.gov

Jodi.Bair@ohioattorneygeneral.gov

/s/ Joseph Olikier

Joseph Olikier

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Case No(s). 17-1234-EL-ATA

Summary: Motion electronically filed by Helen Sweeney on behalf of Interstate Gas Supply, Inc.