

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of The)
Dayton Power and Light Company to)
Update its Standard Offer Rate Tariffs.)

Case No. 19-841-EL-RDR

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

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Attorneys for IGS

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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" or "IGS Energy") moves to intervene in the above captioned case. In this proceeding, the Commission is soliciting comments regarding the PUCO/OCC assessment fees recovered through the Standard Offer Rate ("SOR") of The Dayton Power and Light Company ("DP&L").

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 the 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 this proceeding with the full powers and rights granted to intervening parties.

Respectfully submitted,

/s/ Bethany Allen

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MEMORANDUM IN SUPPORT

IGS has over 30 years of experience serving customers in Ohio's competitive gas and electric markets. IGS serves customers across 11 states in over 40 utility service territories. In Ohio, IGS currently serves electric customers of various sizes across the AEP Ohio, Duke Energy Ohio, DP&L, and FirstEnergy service territories. Additionally, the IGS family of companies (which also include IGS Solar, IGS Generation, IGS Home Services, and IGS CNG Services) provide customer focused energy solutions that complement IGS Energy's core commodity business, including distributed generation, demand response, compressed natural gas refueling, and back-up generation.

In this proceeding, the Commission is soliciting comments on Staff's recommendation regarding PUCO/OCC assessment fees recovered through DP&L's SOR. 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 Commission proceedings, 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.¹

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, IGS has a direct, real, and substantial interest in this proceeding to ensure that the rates charged to shopping customers are consistent with cost causation principles. Further, IGS and its counsel have substantial experience appearing and practicing before the Commission, thus IGS intervention will not unduly prolong or delay this proceeding. 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 and its customers 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.² In light of the liberal interpretation of the intervention rules, IGS clearly meets the standards for intervention in this

¹ Ohio Adm.Code 4901-1-11(A).

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

proceeding.

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

Respectfully submitted,

/s/ Bethany Allen

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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 October 17th, 2019. The PUCO's e-filing system will electronically serve notice of the filing of this document on the parties subscribed to this proceeding.

/s/ Bethany Allen
Bethany Allen

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

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in

Case No(s). 19-0841-EL-RDR

Summary: Motion Motion to Intervene and Memorandum in Support of Interstate Gas Supply, Inc. electronically filed by Bethany Allen on behalf of Interstate Gas Supply, Inc.