

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Annual Application of)	
Columbia Gas of Ohio, Inc. for an)	Case No. 19-1940-GA-RDR
Adjustment to Rider IRP and Rider DSM)	
Rates.)	

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

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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., d/b/a IGS Energy (“IGS” or “IGS Energy”), moves to intervene in the above-captioned proceeding in which Columbia Gas of Ohio, Inc. (“Columbia”) seeks approval from the Public Utilities Commission of Ohio (“PUCO” or “Commission”) to adjust the rates of its Infrastructure Replacement Program (“IRP”) and Demand Side Management (“DSM”) riders.¹ IGS has real and substantial interest in these proceedings that will not be protected in the absence of IGS’ intervention. The interests of IGS are not represented by any other party in the proceedings. The outcome of this proceeding will impact the manner and means through which energy efficiency incentives are made available in the Columbia services territory.

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 this 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

¹ *In the Matter of the Annual Application of Columbia Gas of Ohio, Inc. for Approval of an Adjustment to Rider IRP and Rider DSM Rates*, (February 28, 2020) (hereinafter “Application”).

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

Respectfully submitted,

/s/ Michael Nugent

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MEMORANDUM IN SUPPORT

IGS has over 30 years' experience serving customers in Ohio's competitive gas markets and, for many of those years, has been a leading competitive retail natural gas supplier of energy efficiency products and services. 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 gas customers of various sizes in the Columbia Gas of Ohio, Dominion Energy Ohio, Duke Energy Ohio, and Vectren service territories. The IGS family of companies (which include IGS Solar, IGS Generation, IGS Home Services, and IGS CNG Services) also provide customer-focused energy solutions that compliment IGS Energy's core commodity business, including: distributed generation, demand response, compressed natural gas refueling, utility line protection, and a suite of other energy-related products and services.

Columbia's Application seeks, in part, to continue to offer energy efficient products through its Demand Side Management ("Rider DSM") program rider and to recover the costs of investment associated with that rider. Under Rider DSM, Columbia is authorized to recover the costs associated with its implementation of energy efficiency programs

made available to residential and commercial customers.² IGS serves residential and commercial customers across Columbia's service territory, and therefore, seeks to ensure that IGS and its customers can similarly enjoy the benefits associated with Columbia's Rider DSM in a uniform and non-discriminatory basis. IGS, therefore, has a real and substantial interest in the outcome of this proceeding.

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.³

Further, RC 4903.221(B) and OAC Rule 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 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 *In the Matter of the Application of Columbia Gas of Ohio, Inc., for Authority to Amend Filed Tariffs to Increase the Rates and Charges for Gas Distribution Service*, Case Nos. 08-72-GA-Air, *et al.*, Finding and Order at 26 (December 3, 2008).

³ Rule 4901-1-11(A), OAC.

Regarding the first prong of the Commission's criteria, precedent holds that retail suppliers have been granted intervention in Commission proceedings that may impact retail choice programs, customers, and the competitive market. In Duke's GCR proceeding, for example, the Commission stated:

The thrust of [Duke's] argument is that IGS does not have a real and substantial interest in this GCR proceeding. The examiner finds that issues related to the competitive market, competitive suppliers, and their customers may arise in this proceeding. Such issues have been a part of the utility's prior GCR cases before the Commission.⁴

IGS has direct, real, and substantial interest in this proceeding. IGS serves a substantial number of natural gas customers of widely varying sizes within Columbia's service territory and has provided services under Columbia's current and past DSM programs to numerous customers, including the deployment of hot water heaters and energy efficient "smart" thermostats. IGS' intervention also will not unduly delay this proceeding. IGS' request to intervene is timely according to the procedural schedule; therefore, intervention should be granted.

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

⁴ *In the Matter of the Regulation of the Purchased Gas Adjustment Clauses Contained Within the Rate Schedules of Cincinnati Gas & Electric Company and Related Matters*, Case No. 05-218-GA-GCR, Entry at 2 (Nov. 15, 2005).

allowed for those with an interest in the proceeding.⁵ 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,

/s/ Michael Nugent

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⁵ *Ohio Consumers' Counsel v. Pub. Util. Comm.*, (2006) 111 OhioSt.3d 384, 388.

CERTIFICATE OF SERVICE

I certify that this *Motion to Intervene and Memorandum of Support of Interstate Gas Supply, Inc.* was filed electronically with the Docketing Division of the Public Utilities Commission of Ohio on this 20th day of March 2020.

/s/ Michael Nugent
Michael Nugent

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Summary: Motion to Intervene and Memorandum of Support electronically filed by Mr. Michael A Nugent on behalf of Interstate Gas Supply, Inc.