

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Political and Charitable)
Spending by Ohio Edison Company, The)
Cleveland Electric Illuminating Company and) Case No. 20-1502-EL-UNC
The Toledo Edison Company)

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

Bethany Allen (0093732)
Counsel of Record
bethany.allen@igs.com
Joseph Olikier (0086088)
joe.oliker@igs.com
Michael Nugent (0090408)
michael.nugent@igs.com
IGS Energy
6100 Emerald Parkway
Dublin, Ohio 43016
Telephone: (614) 659-5000

Attorneys for IGS Energy
(willing to accept service via email)

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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 proceeding. This docket was established by the Commission to review the political and charitable spending of the Ohio Edison Company, The Toledo Edison Company, and The Cleveland Electric Illuminating Company (collectively, "FirstEnergy").

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 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/ Bethany Allen
Bethany Allen (0093732)

Counsel of Record
bethany.allen@igs.com
Joseph Olikar (0086088)
joe.oliker@igs.com
Michael Nugent (0090408)
michael.nugent@igs.com
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MEMORANDUM IN SUPPORT

As a retail energy supplier, IGS Energy has over 30 years of experience serving customers in Ohio's competitive gas and electric markets. Currently, IGS serves customers across 20 states, including electric customers of various sizes throughout the FirstEnergy service territories. Additionally, the IGS family of companies, which includes IGS Solar, IGS Generation, IGS Home Services, and IGS CNG Services, provides 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.

The Commission has opened this proceeding in order to determine whether any of FirstEnergy's political and charitable spending in support of Am. Sub. H.B. 6 was included, directly or indirectly, in any of the rates or charges paid by ratepayers in this state. 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, 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 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; and
- (4) Whether the prospective intervener will significantly contribute to full development and equitable resolution of the factual issues.

As a certified retail electric service provider, IGS has direct, real, and substantial interests in this proceeding. IGS serves a substantial number of electric customers in the FirstEnergy service territories, which may have unknowingly financed the costs of FirstEnergy's political and charitable spending in support of Am. Sub. H.B. 6 and subsequent referendum despite it being potentially contrary to their interests. Indeed, Am. Sub. H.B. 6 resulted in numerous provisions that uniquely benefit electric distribution utilities. Additionally, IGS notes that the billion-dollar beneficiary of Am. Sub. H.B. 6, FirstEnergy's former affiliate, directly competes with IGS in Ohio's competitive retail electric service market, which creates the possibility that FirstEnergy was utilizing distribution funds to subsidize a competitive service. Thus, should the Commission find that FirstEnergy has acted contrary to Ohio law and policy and, therefore, harmful to IGS and its customers, IGS has a strong interest in the resolution of this proceeding, including any potential remedies and preventative measures to ensure this does not happen in the future.

Further, IGS' intervention will not unduly delay this proceeding. IGS' request to intervene is timely according to the procedural schedule. Additionally, it would be inappropriate to determine this proceeding without IGS's 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 proceedings. *Ohio Consumers' Counsel v. Pub. Util. Comm.*, 111 Ohio St.3d 384, 2006-Ohio-5853. 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/ Bethany Allen

Bethany Allen (0093732)

Counsel of Record

bethany.allen@igs.com

Joseph Olikier (0086088)

joe.oliker@igs.com

Michael Nugent (0090408)

michael.nugent@igs.com

IGS Energy

6100 Emerald Parkway

Dublin, Ohio 43016

Telephone: (614) 659-5000

Attorneys for IGS Energy

(willing to accept service via email)

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 September 29, 2020. The PUCO's e-filing system will electronically serve notice of the filing of this document on the parties subscribed to this proceeding. Additionally, notice was provided to the parties listed below.

/s/ Bethany Allen

Bethany Allen

SERVICE LIST

mkurtz@BKLawfirm.com
kboehm@BKLawfirm.com
jkylern@BKLawfirm.com
ccox@elpc.org
John.jones@ohioattorneygeneral.gov
rkelter@elpc.org
Maureen.willis@occ.ohio.gov
Angela.obrien@occ.ohio.gov
mleppla@theOEC.org
tdougherty@theOEC.org
ctavenor@theOEC.org
bknipe@firstenergycorp.com
jlang@calfee.com
khehmeyer@calfee.com

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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.