

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of The                    )  
East Ohio Gas Company d/b/a Dominion                )     Case No. 23-755-GA-ATA  
Energy Ohio for Approval of a Revision to            )  
Its Tariff    )

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**MOTION TO INTERVENE**

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Pursuant to R.C. 4903.221 and Ohio Administrative Code (“OAC”) Rule 4901-1-11, Interstate Gas Supply, LLC. (“IGS” or “IGS Energy”) moves to intervene in the above-captioned proceeding in which Dominion Energy Ohio (“DEO”) is seeking to revise its Energy Choice Pooling Service (“ECPS”) tariff to impose a new “minimum stay” requirement on governmental aggregators. This proposed minimum stay requirement, if approved by the Commission, would preclude a governmental aggregator from offering any new opt-out governmental aggregation program in DEO’s service territory for at least twelve months if the governmental aggregator returns more than 5,000 customers to the SSO before the aggregation’s scheduled expiration. IGS has a real and substantial interest in this proceeding that will not be protected in the absence of IGS’ intervention. The interest of IGS is not represented by any other party in the proceeding. Moreover, the outcome of this proceeding could impact the way that IGS’ conducts business in the DEO service 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 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 this proceeding with the full powers and rights granted to intervening parties.

Respectfully submitted,

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**MEMORANDUM IN SUPPORT**

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IGS has over 30 years’ 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 and in over 40 utility service territories. IGS employs approximately 750 people in the State of Ohio. IGS contributes over \$100 million per year to the Ohio economy in payroll and taxes. 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 complement IGS Energy’s core commodity business, including: distributed generation, demand response, compressed natural gas refueling, back-up generation, and utility line protection.

Pursuant to the Ohio Revised Code 4905.70, 4929.02(A)(3), 4929.02(A)(11), and 4929.02(A)(12), DEO filed an application seeking Commission approval to facilitate a carbon offset program and to amend its tariffs accordingly. **DEO’s application seeks** to revise its Energy Choice Pooling Service (“ECPS”) tariff to impose a new “minimum stay” requirement on governmental aggregators. This proposed minimum stay requirement, if approved by the Commission, would preclude a governmental aggregator from offering

any new opt-out governmental aggregation program in DEO's service territory for at least twelve months if the governmental aggregator returns more than 5,000 customers to the SSO before the aggregation's scheduled expiration. IGS, as a supplier in the DEO service territory, may be impacted by the imposition of this minimum stay requirement and accordingly seeks intervention.

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.<sup>1</sup>

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.

Regarding the first prong of the Commission's criteria, precedent holds that retail suppliers have been granted intervention in Commission proceedings that may impact

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<sup>1</sup> Rule 4901-1-11(A), OAC.

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.<sup>2</sup>

IGS has a substantial interest in this proceeding insofar as the program DEO seeks to implement could impact the way IGS does business in the DEO territory administratively. Because DEO's proposed revision to the ECPS involves suppliers, IGS has a direct, real, and substantial interest in this proceeding.

IGS' intervention also will not unduly delay this proceeding. The procedural schedule has not yet been set forth by the Commission and therefore, IGS' request to intervene is timely, will not prolong the proceeding, and 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 allowed for those with an interest in the proceeding.<sup>3</sup> In light of the liberal interpretation of the intervention rules, IGS clearly meets the standards for intervention in this

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<sup>2</sup> *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).

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

proceeding.

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

Respectfully submitted,

/s/ Stacie Cathcart

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**CERTIFICATE OF SERVICE**

I certify that this *Motion to Intervene and Memorandum of Support of Interstate Gas Supply, LLC.* was filed electronically with the Docketing Division of the Public Utilities Commission of Ohio on this 11<sup>th</sup> day of September 2023.

/s/ Stacie Cathcart  
Stacie Cathcart

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Summary: Motion to intervene of Interstate Gas Supply, LLC electronically filed by Stacie E Cathcart on behalf of Interstate Gas Supply.