BEFORE

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

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| In the Matter of the Application of the Alternative Energy Rider and Auction Cost Recovery Rider for Ohio Power Company | )  )  )  ) | Case No. 20-1745-EL-RDR |
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**MOTION TO INTERVENE AND MEMORANDUM IN SUPPORT**

**OF INTERSTATE GAS SUPPLY, INC.**

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*(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 case. In the proceeding, Ohio Power Company (“AEP Ohio”) filed an application proposing an update to its Alternative Energy Rider (“AER”) in order to recover the costs of excess Renewable Energy Credits (“RECs”) accumulated due to increased shopping levels and state legislative changes.

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 any other party to the proceeding 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**

In support of this Motion to Intervene, IGS Energy submits that it has over 30 years of experience providing a wide swath of products and services to customers in Ohio’s competitive gas and electric markets. IGS serves customers across 11 states in over 40 unique utility service territories. In Ohio, IGS currently serves electric customers of all sizes across the AEP Ohio, Duke Energy Ohio, Inc., The Dayton Power and Light Company, and FirstEnergy service territories. Additionally, the IGS family of companies, including IGS Solar, IGS Generation, 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, back-up generation, and utility line protection.

On November 25, 2020, AEP Ohio filed an application seeking to recover costs associated with a portion of RECs from three renewable energy purchase agreements (“REPAs”). AEP Ohio entered into these REPAs under R.C. 4928.64 in order to fulfill its renewable portfolio standard obligations, however, amendments to these obligations have created a surplus of RECs. In order to provide for the timely recovery of costs, as provided for under Ohio law, AEP Ohio proposes to implement AER rate adjustments designed to recover the existing REC inventory through a bypassable rider.

IGS respectfully submits that it is entitled to intervene in this proceeding 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 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]](#footnote-2)

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 a direct, real, and substantial interest in the proceeding to ensure the availability of unbundled retail electric service to its customers. Specifically, ensuring that all costs associated with AEP Ohio’s REC inventory are recovered on a bypassable basis as not to harm IGS’s customers is vital to IGS’s interest.

Further, IGS and its counsel have substantial experience appearing and practicing before the Commission, thus IGS intervention will not unduly prolong or delay the proceeding. Additionally, it would be inappropriate to determine the proceeding without IGS’ participation, as the other parties in the case cannot adequately represent and protect the interests of IGS and its customers in these proceedings. Currently there are no suppliers and specifically no suppliers headquartered in AEP Ohio’s service territory. AEP Ohio is currently the only other party and thus does not represent the same interest in protecting IGS customers.

Finally, the Supreme Court of Ohio has held that intervention should be liberally allowed for those with an interest in the proceeding.[[2]](#footnote-3) In light of the liberal interpretation of the intervention rules, IGS clearly meets the standards for intervention in the 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 December 17, 2020. The PUCO’s e-filing system will electronically serve notice of the filing of this document on the following parties listed below.

*/s/ Bethany Allen\_\_\_\_\_\_\_\_\_*

Bethany Allen

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1. Ohio Adm.Code 4901-1-11(A). [↑](#footnote-ref-2)
2. *Ohio Consumers' Counsel v. Pub. Util. Comm.,* 111 Ohio St.3d 384, 2006-Ohio-5853. [↑](#footnote-ref-3)