BEFORE

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

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| In the Matter of the Staff Report regarding AEP Ohio's Supplier Consolidated Billing Pilot. | ))) | Case No. 21-1150-EL-UNC |
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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 this proceeding the Staff of the Public Utilities Commission of Ohio (“Staff”) present a report outlining their view of AEP Ohio’s Supplier Consolidated Billing Pilot (“SCB Pilot” or “Pilot Program”) as it stands today. The report reviews the brief history of the program and provides certain recommendations to the Commission based on Staff’s viewpoint.[[1]](#footnote-2)

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 proceedings, and that it is so situated that the disposition of the proceedings without IGS’ participation may, as a practical matter, impair or impede IGS’ ability to protect that interest. IGS further submits that its participation in these proceedings will not cause undue delay, will not unjustly prejudice any existing party, and will contribute to the thorough consideration of the issues raised in the proceedings.

IGS’ interests will not be adequately represented by other parties to these proceedings, and, therefore, IGS is entitled to intervene in these proceedings with the full powers and rights granted to intervening parties.

Respectfully submitted,

*/s/ Evan Betterton\_\_\_\_\_\_*

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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 AEP Ohio’s service territory. 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.

In this proceeding, the Staff presents an initial report outlining the history and current statistics of a program that only became available on November 6, 2019. The Staff Report notes that only one CRES Supplier has fully implemented the program so far and thus the sample size of participants remains small.[[2]](#footnote-3) IGS is one of the suppliers originally approved to participate in the program and also a funding partner with AEP in the implementation. IGS has yet to implement the functionality due to technical limitations, pandemic related delays, and other external factors.

IGS respectfully submits that it is entitled to intervene in these proceedings because IGS has a real and substantial interest in these proceedings, 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.[[3]](#footnote-4)

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 approved to participate in the SCP Pilot Program, IGS has a direct, real, and substantial interest in these proceedings. The Pilot did not fully go live until November 2019 and has primarily functioned throughout a pandemic when resources have been stretched thin and workplaces constantly evolving to meet the needs of our employees and customers. The Commission should not choose to end the SCB Program, as proposed on page 5 of the Staff Report, when most of the approved suppliers who aided in paying for the functionality have not been able to participate. Therefore, IGS has a real and substantial interest in this proceeding.

Additionally, it would be inappropriate to determine these proceedings 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.

Further, IGS and its counsel have substantial experience appearing and practicing before the Commission. A procedural schedule also has not been established in this case, IGS’s intervention will not unduly prolong or delay this proceeding. In fact, IGS’ involvement in these proceedings will assist in development and resolution of factual issues before the Commission.

 Finally, the Supreme Court of Ohio has held that intervention should be liberally allowed for those with an interest in the proceeding.[[4]](#footnote-5) In light of the liberal interpretation of the intervention rules, IGS clearly meets the standards for intervention in these proceedings.

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

Respectfully submitted,

*/s/ Evan Betterton\_\_\_\_\_\_*

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***Attorneys for IGS Energy***

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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 15, 2021. The PUCO’s e-filing system will electronically serve notice of the filing of this document on the parties subscribed to these proceedings. Additionally, notice was provided to the parties listed below.

*/s/ Evan Betterton\_\_\_\_\_\_\_\_\_*

Evan Betterton

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1. In the Matter of the Staff Report regarding AEP Ohio's Supplier Consolidated Billing Pilot. (“Staff Report”), Case Nos. 21-1150-EL-UNC, (November 5, 2021). [↑](#footnote-ref-2)
2. Staff Report at 3. [↑](#footnote-ref-3)
3. Ohio Adm.Code 4901-1-11(A). [↑](#footnote-ref-4)
4. *Ohio Consumers' Counsel v. Pub. Util. Comm.,* 111 Ohio St.3d 384, 2006-Ohio-5853. [↑](#footnote-ref-5)