BEFORE

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

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| In the Matter of the Application of The Dayton Power and Light Company for an Increase in its Electric Distribution Rates. | ))) | Case No. 20-1651-EL-AIR |
|  |  |  |
| In the Matter of the Application of The Dayton Power and Light Company for Accounting Authority. | ))) | Case No. 20-1652-EL-AAM |
|  |  |  |
| In the Matter of the Application of The Dayton Power and Light Company for Approval of Revised Tariffs. | ))) | Case No. 20-1653-EL-ATA |

**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 Dayton Power and Light Company (“DP&L”) seeks approval of an increase in its electric distribution rates, tariff modifications, and changes in accounting methods (“Application”).

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

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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 DP&L service territory. Additionally, the IGS family of companies, which includes IGS Solar, IGS Generation, IGS Home Services, 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, and back-up generation.

In this proceeding, DP&L seeks an increase in its electric distribution rates, tariff modifications, and changes in accounting methods. 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 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 this proceeding. In its Application, DP&L has proposed to collect the costs associated with providing the standard service offer, a competitive retail electric service, through distribution rates. Additionally, DP&L’s Application includes a portfolio of energy efficiency programs, including some programs that may directly compete with those offered by IGS. Thus, IGS has an interest in ensuring the rates ultimately approved by the Commission are lawful and do not include anti-competitive subsidies to the detriment of IGS’ customers.

In addition, it would be inappropriate to determine this proceeding without IGS’ participation, as the other parties in the case cannot adequately represent and protect the interests of IGS and its customers in this proceeding.

Further, IGS and its counsel have substantial experience appearing and practicing before the Commission, thus IGS 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.[[2]](#footnote-3) 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\_\_\_\_\_\_\_\_\_*

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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 January 4, 2021. 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)