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BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

- In the Matter of the Application of Ohio Power Company and Columbus Southern Power Company for Authority to Merge and Related Approvals.) Case No. 10-2376-EL-UNC
- In the Matter of the Application of Columbus Southern Power Company and Ohio Power Company for Authority to Establish a Standard Service Offer Pursuant to §4928.143, Ohio Rev. Code, in the Form of an Electric Security Plan.) Case No. 11-346-EL-SSO
) Case No. 11-348-EL-SSO
- In the Matter of the Application of Columbus Southern Power Company and Ohio Power Company for Approval of Certain Accounting Authority) Case No. 11-349-EL-AAM
) Case No. 11-350-EL-AAM
- In the Matter of the Application of Columbus Southern Power Company to Amend its Emergency Curtailment Service Riders) Case No. 10-343-EL-ATA
- In the Matter of the Application of Ohio Power Company to Amend its Emergency Curtailment Service Riders) Case No. 10-344-EL-ATA
- In the Matter of the Commission Review of the Capacity Charges of Ohio Power Company and Columbus Southern Power Company) Case No. 10-2929-EL-UNC
- In the Matter of the Application of Columbus Southern Power Company for Approval of a Mechanism to Recover Deferred Fuel Costs Ordered Under Ohio Revised Code 4928.144) Case No. 11-4920-EL-RDR
- In the Matter of the Application of Ohio Power Company for Approval of a Mechanism to Recover Deferred Fuel Costs Ordered Under Ohio Revised Code 4928.144) Case No. 11-4921-EL-RDR

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

Pursuant to R.C. 4903.221 and OAC 4901-1-11, Interstate Gas Supply, Inc. ("IGS") respectively moves for intervention in the above captioned dockets. Although intervention is being sought out-of-time, it should be granted for the reasons set forth in the accompanying Memorandum in Support.

Dated: October 11, 2011

Respectfully submitted,



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MEMORANDUM IN SUPPORT

I. INTRODUCTION

For purposes of considering requests for leave to intervene in a Commission proceeding, OAC 4901-1-11(A) provides:

Upon timely motion, any person shall be permitted to intervene in a proceeding upon a showing that: ... (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.

In addition, OAC 4901-1-11(F) provides that a motion to intervene which is not timely will be granted under extraordinary circumstances.

Extraordinary circumstances exist which justify IGS's request to intervene out-of-time. Specifically, on September 29, 2011, IGS filed with the Commission an application to become certified as a competitive retail electric supplier ("CRES").¹ In this proceeding, Ohio Power Company ("OPC") and Columbus Southern Power Company ("CSP") (collectively, "AEP") are seeking, *inter alia*, approval of an electric security plan ("ESP") and approval to merge the two operating companies. The Commission's disposition of AEP's requests will necessarily affect CRES providers, including IGS. IGS therefore has a real and substantial interest in this proceeding that cannot be adequately represented by other parties. No party will be prejudiced by granting this request to intervene, and if intervention is granted, IGS will accept the evidentiary record as it stands presently. Accordingly, the Commission should grant this motion.

¹ The certification application is docketed as Case No. 11-5326-EL-CRS.

II. ARGUMENT

The Ohio Supreme Court has held that statutes and rules governing intervention in Commission proceedings should be “liberally construed in favor of intervention.” Ohio Consumers’ Counsel v. Pub. Util. Comm. (2006), 111 Ohio St.3d 384 (quoting State ex rel. Polo v. Cuyahoga Cty. Bd. Of Elections (1995), 74 Ohio St.3d. 143, 144). This principle also applies to intervention sought out-of-time. See In the Matter of the Application of American Municipal Power-Ohio, Inc., for a Certificate of Environmental Compatibility and Public Need, Case No. 06-1358-EL-BGN, Entry (December 4, 2007) at Finding (4) (citing Ohio Consumers Counsel to apply liberal intervention standard to motion to intervene filed out-of-time).

Here, extraordinary circumstances exist that justify IGS’s request to intervene out-of-time. In this proceeding the parties have entered into a Stipulation and Recommendation (“Stipulation”) which recommends implementing a number of provisions that were not originally contemplated in AEP’s ESP filing. Particularly, the Stipulation contemplates various parties in the proceeding forming groups or collaboratives to make decisions on certain issues going forward.² This motion to intervene is being filed to ensure that IGS has a seat at the table in these discussions.

As already noted, IGS only recently filed its CRES Application. Upon approval, IGS will be certified as a competitive electric supplier in the AEP service territory. Thus, the outcome of this proceeding will substantially affect IGS’s business and its customers. This was not the case when AEP originally filed its ESP application or when motions to intervene were

² For instance, provision n. of the filed Stipulation recommends that “The Companies agree to form an advisory group of interested Signatory Parties to discuss and explore a rate decoupling mechanism, including rate design changes for non-demand metered customers.” Stipulation at 9. Provision v. of the Stipulation provides “The Companies shall provide funding for the Ohio Growth Fund (OGF) initiative of \$5 million annually for the benefit of economic development during the ESP term... Parties, including Staff, industrial customers and municipal corporations will be established to assist in developing the framework and criteria for Companies’ funding under the OGF.” Stipulation at 17.

due under the schedule established in these dockets.

The Commission has granted out-of-time intervention in prior ESP cases. For example, in AEP's last ESP proceeding, late interventions were granted to EnerNoc and AICUO.³ More recently, in the AEP Significantly Excessive Earnings proceeding, the Commission granted Kroger Co. limited intervention to participate in discussions that were not originally contemplated in AEP's initial filing.⁴

In short, IGS has direct, real, and substantial interests in this proceeding that cannot be adequately represented by any existing party. IGS will accept the record as it stands, thus ensuring that IGS's intervention will not unduly delay this proceeding. That IGS only recently filed its CRES Application is an extraordinary circumstance that warrants granting intervention out-of-time. Denying intervention would substantially impede IGS's ability to participate in discussions that may substantially affect all CRES suppliers and their customers.

III. CONCLUSION

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

³ Case No. 08-917-EL-SSO, Entry (October 29, 2008) at Finding (4).

⁴ Case No. 10-1261-EL-UNC, Entry (December 1, 2010) at Finding (14).

Dated: October 11, 2011

Respectfully submitted,



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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing *Interstate Gas Supply, Inc.'s Motion to Intervene and Memorandum in Support* was served this 11th day of October, 2011 via electronic mail upon the following:

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