



IGS's interests will not be adequately represented by other parties 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,

  
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## MEMORANDUM IN SUPPORT

IGS respectfully submits that it is entitled to intervene in these proceedings because IGS has a real and substantial interest in the proceedings, the disposition of which may impair or impede IGS's ability to protect that interest. For purposes of considering requests for leave to intervene in a Commission proceeding, the Ohio Administrative Code provides that:

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.

OAC 4901-1-11(A).

Further, RC § 4903.221(B) and OAC 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.

In the above-captioned proceeding, FirstEnergy is seeking authority from the Commission to establish a standard service offer ("SSO") in the form an electric security plan ("ESP"). IGS is a certified retail electric service ("CRES") provider in the state of Ohio certified to provide customers with electric service in the FirstEnergy service territory. Accordingly, IGS has a substantial interest in the FirstEnergy ESP proceeding, insofar as the ESP proceeding will establish the generation rates charged for

FirstEnergy customers, which are the rates that IGS must compete against to serve customers in the FirstEnergy service territory. Further, a number of other issues that will affect IGS' ability to serve customers in the FirstEnergy territory will likely be determined in this proceeding.

If the Commission approves FirstEnergy Ohio's application, the rights of IGS could be affected by the ESP's impact on the CRES markets. Accordingly, IGS has direct, real, and substantial interests in this proceeding. IGS's intervention will not unduly delay. Further, IGS is so situated that without IGS's ability to fully participate in this proceeding, IGS's substantial interest will be prejudiced. Others participating in this proceeding do not represent IGS's interests. Inasmuch as others participating in this proceeding cannot adequately protect IGS's interests, it would be inappropriate to determine this proceeding without IGS's participation.

Finally, the Supreme Court of Ohio has held that intervention should be liberally allowed for those with an interest in the proceeding.<sup>1</sup> In light of the liberal interpretation of the intervention rules, IGS clearly meets the standards for intervention in this proceeding.

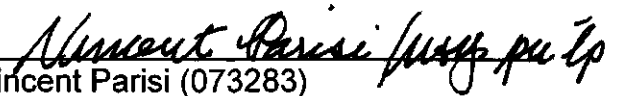
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<sup>1</sup> *Ohio Consumers' Counsel v. Pub. Util. Comm.*, (2006) 111 OhioSt.3d 384, 388.

**CONCLUSION**

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

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 16<sup>th</sup> day of April, 2012 via electronic mail upon the following:

  
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