

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Ohio)	
Power Company to Initiate Phase 2 of Its)	
gridSMART Project and to Establish the)	Case No. 13-1939-EL-RDR
gridSMART Phase 2 Rider.)	
)	

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

Pursuant to R.C. 4903.221 and O.A.C. 4901-1-11, Interstate Gas Supply, Inc. ("IGS") moves to intervene in the above-captioned proceeding, in which Ohio Power Company d/b/a AEP Ohio ("AEP Ohio") seeks approval of its gridSMART Project funding and also seeks approval to recover that funding through a gridSMART Phase 2 Rider.

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 this proceeding without IGS's participation may, as a practical matter, impair or impede IGS's 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 just and expeditious resolution of the issues and concerns raised in this proceeding.

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 . . . [t]he 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.

O.A.C. 4901-1-11(A)(2).

Further, R.C. 4903.221(B) and O.A.C. 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 intervenor's interest; (2) The legal position advanced by the prospective intervenor and its probable relation to the merits of the case; (3) Whether the intervention by the prospective intervenor will unduly prolong or delay the proceedings; (4) Whether the prospective intervenor will significantly contribute to full development and equitable resolution of the factual issues.

In the above-captioned proceeding, AEP-Ohio is seeking authority from the Commission to implement phase two of its gridSmart plan that would invest millions of dollars to upgrade AEP's distribution infrastructure, including metering infrastructure. IGS is a certified retail electric service ("CRES") provider in the state of Ohio that serves retail electric customers in the AEP-Ohio service territory. IGS has a substantial interest in this proceeding, insofar AEP's proposed upgrades to its systems will have a direct

impact on the types of services that IGS can offer to its customers. Further, AEP's rider to recover the costs of the system upgrades will be recovered from all customers, including the electric customers that IGS serves.

If the Commission approves AEP Ohio's application, the rights of IGS could be affected, including by the gridSMART upgrade's impact on CRES markets. Accordingly, IGS has direct, real, and substantial interests in this proceeding. Moreover, IGS and its counsel have substantial experience appearing and practicing before the Commission, thus IGS's intervention will not unduly prolong or delay these proceedings. Further, IGS is so situated that without IGS's ability to fully participate in this proceeding, its substantial interest will be prejudiced, as discussed above. Other participants in this proceeding will neither represent nor adequately protect IGS's interests, rendering it 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.¹ In light of the liberal interpretation of the intervention rules, IGS clearly meets the standards for intervention in this proceeding.

CONCLUSION

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

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

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 22nd day of October, 2013 via electronic mail upon the following:

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Summary: Motion to Intervene and Memorandum in Support electronically filed by Mr. Andrew J Campbell on behalf of Interstate Gas Supply, Inc.