

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of Application of Duke)
Energy Ohio, Inc. for Authority to Establish)
a Standard Service Offer Pursuant to R.C.) Case No. 14-841-EL-SSO
4928.143, in the Form of an Electric)
Security Plan, Accounting Modifications,)
and Tariffs for Generation Service.)

In the Matter of Application of Duke) Case No. 14-842-EL-ATA
Energy Ohio, Inc. for Authority to Amend)
its Certified Supplier Tariff, P.U.C.O. No.)
20.

**MOTION TO INTERVENE
AND MEMORANDUM IN SUPPORT OF IGS ENERGY**

Joseph Olikier (0086088)
Email: joliker@igsenergy.com
Counsel of Record
Matthew White (0082859)
Email: mswhite@igsenergy.com
IGS Energy
6100 Emerald Parkway
Dublin, Ohio 43016
Telephone: (614) 659-5000
Facsimile: (614) 659-5073

Attorneys for IGS Energy

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MOTION TO INTERVENE

Pursuant to R.C. 4903.221 and Rule 4901-1-11, Ohio Administrative Code (“OAC”), Interstate Gas Supply, Inc. (“IGS” or “IGS Energy”) moves to intervene in the above captioned proceedings, in which Duke Energy Ohio (“Duke”) seeks approval of a standard service offer (“SSO”) in form of an electric security plan (“ESP”) and to amend its certified supplier tariff. Duke’s application proposes to establish a framework for supplying electricity to customers in its service territory until May 31, 2018.¹

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 these proceedings 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 these proceedings will not cause undue delay, will not unjustly prejudice any existing party,

¹ Duke also proposes to continue a legally suspect portion of its proposed ESP until 2040.

and will contribute to the just and expeditious resolution of the issues and concerns raised in these proceedings.

IGS's 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/ Joseph Olikier

Joseph Olikier (0086088)

Counsel of Record

Email: joliker@igsenergy.com

Matthew White (0082859)

Email: mswhite@igsenergy.com

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MEMORANDUM IN SUPPORT

IGS has over 25 years of experience serving customers in Ohio's competitive markets. IGS serves over 1 million customers nationwide and sells natural gas and electricity to customers in 11 states and in over 40 utility service territories. In Ohio, IGS currently serves electric customers in the Ohio Power Company, Duke Energy Ohio, FirstEnergy and the Dayton Power & Light service territories. The IGS family of companies (which also include IGS Generation, IGS Home Services and IGS CNG Services) also provides customers focused energy solutions that complement IGS Energy's core commodity business including distributed generation, demand response, compressed natural gas refueling, back-up generation and utility line protection.

In its application, Duke proposes to establish a non-bypassable charge or credit related to its purchased power contract with the Ohio Valley Electric Corporation ("OVEC"). Moreover, Duke proposes to continue to offer its SSO customers time-of-use

products, while, at the same time, it refuses to provide interval data information necessary for competitive retail electric service (“CRES”) providers to offer similar products to customers. 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 for leave to intervene in a Commission proceeding, 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.²

Further, RC 4903.221(B) and Rule 4901-1-11(B), OAC, 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.

IGS has a substantial interest in these proceedings, insofar as the resolution of these proceedings will impact the supply and price of electricity and the competitive landscape in Duke’s service territory. Accordingly, IGS has direct, real, and substantial interests in these proceedings. IGS’s intervention will not unduly delay these

² Rule 4901-1-11(A), OAC.

proceedings. Further, IGS is so situated that without IGS's ability to fully participate in these proceedings, its substantial interest will be prejudiced. Others participating in these proceedings do not represent IGS's interests. Inasmuch as others participating in these proceedings cannot adequately protect IGS's interests, it would be inappropriate to determine these proceedings 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.³ 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/ Joseph Olikier

Joseph Olikier (0086088)
Email: joliker@igsenergy.com
Counsel of Record
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Email: mswhite@igsenergy.com
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³ *Ohio Consumers' Counsel v. Pub. Util. Comm.*, (2006) 111 OhioSt.3d 384, 388.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing *Motion to Intervene and Memorandum in Support of IGS Energy* was served this 11th day of June 2014 via electronic mail upon the following:

/s/ Joseph Olikier

Joseph Olikier

Amy.Spiller@duke-energy.com Rocco.D'Ascenzo@duke-energy.com elizabeth.watts@duke-energy.com Jeanne.Kingery@duke-energy.com haydenm@firstenergycorp.com jmcdermott@firstenergy.com scasto@firstenergycorp.com	Schmidt@sppgrp.com Edmund.berger@occ.ohio.gov Joseph.serio@occ.ohio.gov Maureen.grady@occ.ohio.gov dboehm@BKLawfirm.com mkurtz@BKLawfirm.com jkylercohn@BKLawfirm.com judi.sobecki@aes.com
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Summary: Motion to Intervene and Memorandum in Support electronically filed by Mr. Joseph E. Olikier on behalf of IGS Energy