

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

|   |   |                         |
|---|---|-------------------------|
| In the Matter of the Application to Modify, | ) |                         |
| in Accordance with R.C. 4929.08, the        | ) |                         |
| Exemption Granted to The East Ohio Gas      | ) | Case No. 12-1842-GA-EXM |
| Company d/b/a Dominion East Ohio in Case    | ) |                         |
| No. 07-1224-GA-EXM                          | ) |                         |

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

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*Attorney for IGS Energy*

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**MOTION TO INTERVENE**

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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 proceeding, in which the Public Utilities Commission of Ohio (“Commission”) approved a stipulation authorizing Dominion East Ohio (“DEO”) to discontinue the standard choice offer (“SCO”) with respect to non-residential customers.

To evaluate DEO’s discontinuation of the SCO, the Commission also required competitive retail natural gas (“CRNG”) providers to report certain information to Commission Staff. The Commission recognized that CRNG providers may be required to provide Commission Staff with confidential information. “[T]he Commission stated that, in the event Staff receives a [public records] request for the information, the attorney examiner would issue an entry establishing the appropriate process.”<sup>1</sup> On February 18, 2015, Ohio Partners for Affordable Energy (“OPAE”) requested access to all data collected by Staff regarding DEO’s discontinuation of the SCO. Because OPAE’s public record request encompasses information submitted by IGS to Staff, IGS respectfully requests that the Commission grant this Motion to Intervene.

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<sup>1</sup> Entry (May 1, 2013).

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 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/ Matthew White

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**MEMORANDUM IN SUPPORT**

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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 natural gas customers in the Dominion East Ohio, Duke Energy Ohio, Columbia Gas of Ohio, and Vectren Energy Delivery Ohio service territories.

OPAE has requested access to IGS's proprietary and confidential information. The disclosure of this information would harm IGS and its business interests. Thus, 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 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.<sup>2</sup>

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's intervention will not unduly delay this proceeding. Further, IGS is so situated that without IGS's ability to fully participate in this proceeding, its 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>3</sup> 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/ Matthew White  
Matthew S. White (0082859)  
Counsel of Record  
Email: mswwhite@igsenergy.com

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<sup>2</sup> Rule 4901-1-11(A), OAC.

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

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***Attorney for IGS Energy***

## **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 8th day of April 2015 via electronic mail upon the following:

/s/ Matthew White  
Attorney for IGS Energy

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**This foregoing document was electronically filed with the Public Utilities**

**Commission of Ohio Docketing Information System on**

**4/8/2015 5:09:04 PM**

**in**

**Case No(s). 12-1842-GA-EXM**

Summary: Motion electronically filed by Helen Sweeney on behalf of IGS Energy