

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of	)	
The Dayton Power and Light Company for	)	Case No. 16-0395-EL-SSO
Approval of Its Electric Security Plan	)	
	)	
In the Matter of the Application of	)	
The Dayton Power and Light Company for	)	Case No. 16-0396-EL-ATA
Approval of Revised Tariffs	)	
	)	
In the Matter of the Application of	)	
The Dayton Power and Light Company for	)	Case No. 16-0397-EL-ATA
Approval of Certain Accounting Authority	)	
Pursuant to Ohio Rev. Code § 4905.13	)	

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

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

***Attorney for IGS Energy***

**March 23, 2016**

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of	)	
The Dayton Power and Light Company for	)	Case No. 16-0395-EL-SSO
Approval of Its Electric Security Plan	)	
	)	
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The Dayton Power and Light Company for	)	Case No. 16-0396-EL-ATA
Approval of Revised Tariffs	)	
	)	
In the Matter of the Application of	)	
The Dayton Power and Light Company for	)	Case No. 16-0397-EL-ATA
Approval of Certain Accounting Authority	)	
Pursuant to Ohio Rev. Code § 4905.13	)	

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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 proceedings in which the Dayton Power and Light Company (“DP&L”) seek approval of a standard service offer (“SSO”) in form of an electric security plan (“ESP”), as well as approval of tariff revisions and accounting authority (collectively the “Application”). DP&L’s Application proposes to establish a framework for supplying electricity to customers in its service territory through December 31, 2026, as well as a purchased power agreement (“PPA”) with a yet to be named “unregulated affiliate” (“Genco”). DP&L proposes to include all of its existing generation assets in the proposed PPA.

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, 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

IGS Energy

6100 Emerald Parkway

Dublin, Ohio 43016

Telephone: (614) 659-5000

Facsimile: (614) 659-5073

***Attorney for IGS Energy***

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Ohio	)	
Edison Company, The Cleveland Electric	)	
Illuminating Company and The Toledo	)	Case No. 14-1297-EL-SSO
Edison Company for Authority to Provide	)	
for a Standard Service Offer Pursuant to	)	
R.C. 4928.143 in the Form of an Electric	)	
Security Plan	)	

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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 electric customers in the Ohio Power Company, Duke Energy Ohio, FirstEnergy and the DP&L 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, DP&L proposes to enter into a PPA with its affiliate, Genco. DP&L alleges that the contract would ensure that Genco recovers the costs related to approximately 2200 megawatts of generation resources. DP&L proposes to establish a non-bypassable charge or credit depending on whether the market-based revenue produced by these resources is lesser or greater than their cost-based revenue requirement.

DP&L further requests authority to recover deferred costs related to its interest in the Ohio Valley Electric Corporation through the Reconciliation Rider, a distribution rider.

Finally, DP&L requests authority to establish a non-bypassable Clean Energy Rider. The Clean Energy Rider will recover currently unknown environmental compliance costs, including but not limited to green energy initiatives, environmental expenses, and decommissioning costs.

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.<sup>1</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 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

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

development and equitable resolution of the factual issues.

IGS has direct, real, and substantial interests in these proceedings, which may impact the competitive conditions for retail and wholesale electric service in DP&L's service territory. IGS's intervention will not unduly delay these 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.<sup>2</sup> 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  
IGS Energy  
6100 Emerald Parkway  
Dublin, Ohio 43016  
Telephone: (614) 659-5000  
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***Attorney for IGS Energy***

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<sup>2</sup> *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 Interstate Gas Supply, Inc.* was served this 23rd day of March 2016 via electronic mail upon the following:

**/s/ Joseph Olier**

Joseph Olier

cfaruki@ficlaw.com djireland@ficlaw.com jsharkey@ficlaw.com Michael.schuler@aes.com dboehm@bkllawfirm.com kboehm@BKLLawfirm.com mkurtz@BKLLawfirm.com jkylercohn@BKLLawfirm.com fdarr@mwncmh.com mpritchard@mwncmh.com mfleisher@elpc.org jeffrey.mayes@monitoringanalytics.com	bojko@carpenterlipps.com O'Rourke@carpenterlipps.com ghiloni@carpenterlipps.com ibatikov@vorys.com glpetrucci@vorys.com mjsettineri@vorys.com smhoward@vorys.com Kevin.moore@occ.ohio.gov William.michael@occ.ohio.gov William.wright@puc.state.oh.us evelyn.robinson@pjm.com schmidt@sppgrp.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