

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of The	)	
Dayton Power and Light Company for	)	Case No. 16-0649-EL-POR
Approval of Its Energy Efficiency and	)	Case No. 16-1369-EL-WVR
Peak Demand Reduction Program	)	
Portfolio Plan for 2017 through 2019	)	

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**MOTION TO INTERVENE OF INTERSTATE GAS SUPPLY, INC.**

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Pursuant to Ohio Revised Code ("ORC") 4903.221 and Ohio Administrative Code ("OAC") 4901-1-11, Interstate Gas Supply, Inc. ("IGS") moves for leave to intervene in the above captioned proceeding in which the Dayton Power and Light Company ("DP&L") seeks Public Utilities Commission of Ohio ("Commission") approval of its Energy Efficiency and Peak Demand Reduction Program Portfolio Plan for 2017-2019 ("Portfolio Plan"). IGS has real and substantial interest in this proceeding that will not be protected in the absence of IGS intervention. The interests of IGS are not represented by any other party in the proceeding.

IGS respectfully request the Commission grant its Motion. The reasons for IGS's Motion are more fully set forth in the attached Memorandum in Support.

Respectfully submitted,

**/s/ Joseph Olikier**  
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**MEMORANDUM IN SUPPORT**

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For purposes of considering requests for leave to intervene in a Commission proceeding, OAC 4901-1-11(A) 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.

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 development and equitable resolution of the factual issues.

In this proceeding, DP&L seeks Commission review and approval of its 2017-2019 Portfolio Plan. The Portfolio Plan includes programs that address sources of energy efficiency and peak demand reduction measures for a broad range of customer classes, all of which are served by IGS.

IGS is a certified competitive retail electric service (“CRES”) provider and a certified competitive retail natural gas (“CRNG”) provider serving customers in the State of Ohio for over 25 years. IGS and its family of companies provide its customers with a diverse range of retail products and services, including energy efficiency-related products and services. The IGS family of companies also construct combined heat and power facilities, which reduce peak demand and increase energy efficiency.

IGS has a direct interest in this proceeding. Without the ability to fully participate in this proceeding IGS’s direct interest will be substantially prejudiced. 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, IGS’s participation will not unduly delay this proceeding. IGS will contribute to full development and equitable resolution of the factual issues in this proceeding.

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, and for the reasons stated above, IGS 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/ Joseph Olikier**

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<sup>1</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 11th day of July, 2016 via electronic mail upon the following:

dparram@taftlaw.com tdougherty@theOEC.org jfinnigan@edf.org mfleisher@elpc.org william.wright@puc.state.oh.us ghiloni@carpenterlipps.com fdarr@mwncmh.com	bojko@carpenterlipps.com jamie.williams@occ.ohio.gov christopher.healey@occ.ohio.gov kyle.kern@occ.ohio.gov jeremy.grayem@icemiller.com mpritchard@mwncmh.com ORourke@carpenterlipps.com
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**/s/Joseph Olikier**

Joseph Olikier

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Summary: Motion to Intervene and Memorandum in Support electronically filed by Mr. Joseph E. Oliker on behalf of IGS Energy