

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Commission's Review)
of the Purchase of Receivables)
Implementation Plan for Ohio Power)
Company.)

Case No. 15-1507-EL-EDI

**MOTION TO INTERVENE OUT-OF-TIME
AND MEMORANDUM IN SUPPORT OF IGS ENERGY**

Joseph Olikier
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

December 8, 2016

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Commission's Review)	
of the Purchase of Receivables)	Case No. 15-1507-EL-EDI
Implementation Plan for Ohio Power)	
Company.		

MOTION TO INTERVENE OUT-OF-TIME

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 Public Utilities Commission of Ohio ("Commission") established on November 8, 2016 a procedural schedule in the above-captioned case, seeking comments in response to the report filed by Staff regarding implementation of Ohio Power Company's ("AEP Ohio") purchase of receivables ("POR") program.

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' participation may, as a practical matter, impair or impede IGS' 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' 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.

The Entry establishing the date for intervention in the proceeding required that interventions be submitted by December 1, 2016. Due to the short duration for intervention and an administrative oversight, IGS did not seek timely intervention; therefore, IGS seeks leave to intervene out of time in order to protect its interest in this proceeding.

Respectfully submitted,

/s/ Joseph Olikier
Joseph Olikier (0086088)
Counsel of Record
joliker@igsenergy.com
(willing to receive e-mail service)
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 Commission's Review)	
of the Purchase of Receivables)	Case No. 15-1507-EL-EDI
Implementation Plan for Ohio Power)	
Company.		

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, 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 provide 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 this proceeding, the Commission will evaluate the parameters of AEP Ohio POR program. As part of that approval process, the Commission will establish qualifications and rules for participation in the POR program.

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. IGS serves residential, commercial, and industrial customers in AEP Ohio's services territory, and the parameters of the POR program authorized by the Commission in this proceeding may

impact IGS' ability to offer retails electric product and non-commodity offerings in AEP Ohio's service territory.

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.¹

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.

IGS has direct, real, and substantial interests in these proceedings. 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' interests. Inasmuch as others participating in these proceedings cannot adequately protect IGS' interests, it would be inappropriate to determine these proceedings without IGS' participation.

¹ Rule 4901-1-11(A), OAC.

The Supreme Court of Ohio has held that intervention should be liberally allowed for those with an interest in the proceeding.² In light of the liberal interpretation of the intervention rules, IGS clearly meets the standards for intervention in these proceedings.

Finally, while IGS' intervention was filed shortly after the deadline, good cause exist for granting IGS intervention out-of-time. IGS failed to file for intervention due to the short period for intervention coupled with an administrative oversight. As one of the most active suppliers in AEP Ohio's service territory, the proceeding will benefit from IGS' participation and experience.

Moreover, No party will be prejudiced by granting this intervention. This case does not currently contemplate discovery or a hearing—rather, it proposes a schedule for comments and reply comments. In such proceedings, it is often Commission practice to not require a party to intervene to file comments. IGS does not intent to file initial comments in this proceeding, but reserves the right to file reply comments.

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

Respectfully submitted,

/s/ Joseph Olikier
Joseph Olikier (0086088)
Counsel of Record
joliker@igsenergy.com
(willing to receive e-mail service)
IGS Energy
6100 Emerald Parkway
Dublin, Ohio 43016
Telephone: (614) 659-5000
Facsimile: (614) 659-5073

Attorney for IGS Energy

² *Ohio Consumers' Counsel v. Pub. Util. Comm.*, (2006) 111 OhioSt.3d 384, 388.

CERTIFICATE OF SERVICE

I certify that this Motion to Intervene Out-of-Time and Memorandum in Support of IGS Energy was filed electronically through the Docketing Information System of the Public Utilities Commission of Ohio on this 8th day of December 2016. The PUCO's e-filing system will electronically serve notice of the filing of this document on the following parties:

Terry.Etter@occ.ohio.gov kevin.moore@occ.ohio.gov	werner.margard@ohioattorneygeneral.gov mjsettinari@vory.com glpetrucci@vorys.com
--	--

/s/ Joseph Olikier
Joseph Olikier

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

12/8/2016 3:50:16 PM

in

Case No(s). 15-1507-EL-EDI

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