

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Duke)	
Energy Ohio, Inc. for a Certificate of)	
Environmental Compatibility and Public)	Case No. 16-0253-GA-BTX
Need for the C314V Central Corridor)	
Pipeline Extension Project)	

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

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April 13, 2017

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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 proceeding, in which Duke Energy Ohio ("Duke") is seeking an Application for a Certificate of Environmental Compatibility and Public Need for the C314V Central Corridor Pipeline Extension Project ("Application"). Duke alleges that a substantial change to the company's pipeline facilities is necessary as part of its "long-term plan to retire propane-air plants and balance system supply from north to south." OPSB Application (Rev. 1) at 2-1.

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 proceeding, 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 the 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 the proceeding.

IGS's interests will not be adequately represented by other parties to the proceeding and therefore, IGS is entitled to intervene in these proceedings with the full powers and rights granted to intervening parties.

Respectfully submitted,

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MEMORANDUM IN SUPPORT

IGS has over 26 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 gas customers in the Columbia Gas of Ohio, Duke Energy Ohio, Dominion East Ohio, and Vectren Energy Delivery of Ohio service territories. The IGS family of companies (which also include IGS Solar, 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 substantial changes to Duke's distribution infrastructure and the way in which Duke is able to move gas to balance its system. IGS serves thousands of customers across the Duke service territory. Any change to Duke's processes and supply services directly impact both IGS' customers and business operations. The retirement of propane-air assets combined with the introduction of new pipe infrastructure would materially impact the way in which IGS is able to conduct

normal business and continue to serve our customers successfully. Indeed, the Application and Duke's most recent gas cost recovery proceeding audit demonstrate that CRNG suppliers' delivery obligations are impacted by constraints that exist behind the Duke city gate.¹ Any changes to Duke's pipelines, storage, propane-air assets, or infrastructure may impact the manner in which Duke balances its system and the manner in which Duke directs IGS to delivery natural gas to serve its customers. Thus, this proceeding will have a direct impact on the manner in which IGS provides natural gas service in Duke's service territory.

IGS respectfully submits that it is entitled to intervene in the proceeding because IGS has a real and substantial interest in the 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.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 *In the Matter of the Regulation of the Purchased Gas Adjustment Clause Contained Within the Rate Schedules of Duke Energy Ohio, Inc. and Related Matters*, Case Nos. 15-218-GA-GCR, *et al.*, Opinion and Order at 26-27.

² Rule 4901-1-11(A), OAC.

- (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 the proceeding. IGS's intervention will not unduly delay the proceeding. Further, IGS is so situated that without IGS's ability to fully participate in the proceeding, its substantial interest will be prejudiced. Others participating in the proceeding do not represent IGS's interests. Inasmuch as others participating in the proceeding cannot adequately protect IGS's interests, it would be inappropriate to determine the 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.³ In light of the liberal interpretation of the intervention rules, IGS clearly meets the standards for intervention in the proceeding.

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

Respectfully submitted,

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

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CERTIFICATE OF SERVICE

I certify that this *Motion to Intervene and Memorandum in Support of Interstate Gas Supply, Inc.* was filed electronically through the Docketing Information System of the Public Utilities Commission of Ohio on this 13th day of April 2017. The PUCO's e-filing system will electronically serve notice of the filing of this document on the following parties:

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/s/ Joseph Olikar

Joseph Olikar

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Case No(s). 16-0253-GA-BTX

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