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***Attorneys for IGS Energy***

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of The Commission's )  
Investigation of the Financial Impact of the ) Case No. 18-47-AU-COI  
Tax Cuts and Jobs Act of 2017 on )  
Regulated Ohio Utility Companies. )

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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 AEP, Duke Energy Ohio, FirstEnergy and the Dayton Power & Light service territories, as well as Vectren Energy Delivery of Ohio, Columbia Gas of Ohio, and Dominion Energy services territories. The IGS family of companies (which 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, CNG refueling, back-up generation and utility line protection.

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 IGS' 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 OAC Rule 4901-1-11(B) 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.

Regarding the first prong of the Commission's criteria, precedent holds that retail suppliers have been granted intervention in Commission proceedings that may impact retail choice programs, customers, and the competitive market. In Duke's GCR proceeding, for example, the Commission stated:

The thrust of [Duke's] argument is that IGS does not have a real and substantial interest in this GCR proceeding. The examiner finds that issues related to the competitive market, competitive suppliers, and their customers may arise in this proceeding. Such issues have been a part of the utility's prior GCR cases before the Commission.<sup>2</sup>

IGS has a substantial interest in these proceedings, insofar as this proceeding may impact utility rates and charges applicable to IGS and its customers. The potential impacts of tax reform on utilities and retail energy suppliers may be far reaching. Therefore, IGS has direct, real, and substantial interests in this proceeding.

IGS' intervention will not unduly delay these proceedings. Therefore, IGS' request to intervene is timely, will not prolong the proceeding, and intervention should be granted.

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

<sup>2</sup> *In the matter of the regulation of the purchased gas adjustment clauses contained within the rate schedules of Cincinnati Gas & Electric Company and related matters*, Case No. 05-218-GA-GCR, Entry at 2 (Nov. 15, 2005).

Further, IGS is so situated that without IGS' ability to fully participate in this proceeding, its substantial interest will be prejudiced. Others participating in this proceeding do not represent IGS' interests. Inasmuch as others participating in this proceeding cannot adequately protect IGS' interests, it would be inappropriate to determine this proceeding without IGS' 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/ Joseph Olikier

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<sup>3</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 15th day of February 2018 via electronic mail upon the following:

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/s/ Joseph Oliker  
Joseph Oliker

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