

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application Seeking)	
Approval of Ohio Power Company's)	
Proposal to Enter into Renewable Energy)	Case No. 18-1392-EL-RDR
Purchase Agreements for Inclusion in the)	
Renewable Energy Rider.)	
In the Matter of the Application of Ohio)	Case No. 18-1393-EL-ATA
Power Company to Amend its Tariffs.)	

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

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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 Energy" or "IGS") and IGS Solar, LLC ("IGS Solar") (collectively "IGS") move to intervene in the above captioned proceedings, in which Ohio Power Company ("AEP") is seeking authority to enter into renewable energy power purchase agreements. The outcome of these proceedings will impact all customers within the AEP service territory who receive and pay for electric distribution service from AEP.

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 the proceedings with the full powers and rights granted to intervening parties.

Respectfully submitted,

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MEMORANDUM IN SUPPORT

IGS has over 28 years of experience serving customers in Ohio's competitive gas and electric 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 of various sizes across the AEP, Duke, DP&L, and First Energy 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. IGS Solar develops and builds solar projects ranging in scope from residential rooftop systems to large commercial scale systems across the United States.

In these proceedings AEP is seeking the authority to include 400 MW of solar capacity into the company's Renewable Generation Rider in addition to the creation of a

new Green Tariff, and other alterations to the ways in which AEP manages renewable energy.

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 Commission proceedings, 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 and IGS Solar provide a diverse range of product offerings, including renewable competitive retail

¹ Rule 4901-1-11(A), OAC.

electric service as well as in front of the meter and behind the meter solar products. The proposed renewable energy purchase power agreement will crowd out private investment from non-subsidized resources to the detriment of competition. Therefore, the application will negatively impact IGS and IGS Solar. IGS' intervention will not unduly delay these proceedings, as the Commission has yet to set a procedural schedule in the case. Further, IGS is so situated that without IGS' ability to fully participate in these proceedings, its substantial interest will be prejudiced. Others participating in these proceedings do not represent IGS' direct interests. It would be inappropriate to determine these proceedings without IGS' participation, as the other parties in the case cannot adequately represent and protect the interests of IGS in these proceedings.

Finally, the Supreme Court of Ohio has held that intervention should be liberally allowed for those with an interest in the proceedings.² 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,

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² *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.* and *IGS Solar, LLC.* was filed electronically through the Docketing Information System of the Public Utilities Commission of Ohio on this 4th day of October 2018. 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 Olikier
Joseph Olikier

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Case No(s). 18-1392-EL-RDR, 18-1393-EL-ATA

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