

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of The)
Dayton Power and Light Company for)
Approval of Its Plan to Modernize Its) 18-1875-EL-GRD
Distribution Grid.)

In the Matter of the Application of The)
Dayton Power and Light Company for)
Approval of a Limited Waiver of Ohio) 18-1876-EL-WVR
Adm.Code 4901:1-18-06(A)(2).)

In the Matter of the Application of The)
Dayton Power and Light Company for)
Approval of Certain Accounting Methods.) 18-1877-EL-AAM

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

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February 8, 2019

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of The Dayton Power and Light Company for Approval of Its Plan to Modernize Its Distribution Grid.)	
)	
)	18-1875-EL-GRD

In the Matter of the Application of The Dayton Power and Light Company for Approval of a Limited Waiver of Ohio Adm.Code 4901:1-18-06(A)(2).)	
)	
)	18-1876-EL-WVR

In the Matter of the Application of The Dayton Power and Light Company for Approval of Certain Accounting Methods.)	
)	
)	18-1877-EL-AAM

MOTION TO INTERVENE

Pursuant to R.C. 4903.221 and Ohio Adm.Code 4901-1-11, Interstate Gas Supply, Inc. (“IGS” or “IGS Energy”) and IGS Solar, LLC (“IGS Solar”) (collectively “IGS”) move to intervene in the above captioned proceedings. These dockets were established by The Dayton Power and Light Company (“DP&L”) for approval of its Distribution Modernization Plan (“DMP”).

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 throughout consideration of the issues 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 29 years of experience serving customers in Ohio’s competitive gas and electric markets. IGS serves over 1 million customers across 11 states within over 40 utility service territories. In Ohio, IGS currently serves electric customers of various sizes across the AEP Ohio, Duke, DP&L, and FirstEnergy service territories. Additionally, the IGS family of companies (which also include IGS Solar, IGS Generation, IGS Home Services, and IGS CNG Services) provide customer focused energy solutions that complement IGS Energy’s core commodity business, including distributed generation, demand response, compressed natural gas refueling, and back-up generation. IGS Solar develops and builds solar projects ranging in scope from residential rooftop systems to large commercial scale systems across the United States.

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, R.C. 4903.221(B) and Ohio Adm.Code 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; and
- (4) Whether the prospective intervener will significantly contribute to full development and equitable resolution of the factual issues.

As a certified retail electric service provider, IGS has direct, real, and substantial interests in these proceedings. Many of the components of a modern distribution system platform that will be discussed have a direct impact on the types of innovative products and services that IGS can offer to its customers. Further, IGS and its counsel have substantial experience appearing and practicing before the Commission, thus IGS intervention will not unduly prolong or delay these proceedings. Additionally, it would be inappropriate to determine these proceedings without IGS' participation, as the other

¹ Ohio Adm.Code 4901-1-11(A).

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.*, 111 Ohio St.3d 384, 2006-Ohio-5853.

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 8th day of February 2019. The PUCO's e-filing system will electronically serve notice of the filing of this document on counsel for all parties.

/s/ Bethany Allen
Bethany Allen

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

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in

Case No(s). 18-1875-EL-GRD, 18-1876-EL-WVR, 18-1877-EL-AAM

Summary: Motion Motion to Intervene and Memorandum in Support of Interstate Gas Supply, Inc. and IGS Solar electronically filed by Bethany Allen on behalf of Interstate Gas Supply, Inc. and IGS Solar, LLC