

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Ohio)	
Edison Company, The Cleveland Electric)	
Illuminating Company and The Toledo)	19-361-EL-RDR
Edison Company for an Extension of Their)	
Distribution Modernization Rider.)	

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

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March 6, 2019

**BEFORE
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MOTION TO INTERVENE

Pursuant to R.C. 4903.221 and Ohio Adm.Code 4901-1-11, Interstate Gas Supply, Inc. ("IGS") moves to intervene in the above captioned proceeding that was established to consider the application of Ohio Edison Company, The Cleveland Electric Illuminating Company and The Toledo Edison Company (collectively, "FirstEnergy") for an extension of the Distribution Modernization Rider.

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 this proceeding without IGS' participation may, as a practical matter, impair or impede IGS' ability to protect that interest. IGS further submits that its participation in this proceeding will not cause undue delay, will not unjustly prejudice any existing party, and will contribute to the throughout consideration of the issues raised in the proceeding.

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

Respectfully submitted,

/s/ Bethany Allen

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MEMORANDUM IN SUPPORT

In support of this Motion to Intervene, IGS notes it has almost 30 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 across 40 utilities, including the FirstEnergy service territories. The IGS family of companies (which includes IGS Generation, IGS Home Services and IGS CNG Services) also provides customer 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 respectfully submits that it is entitled to intervene in this case 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 Commission proceedings, Ohio Adm.Code 4901-1-11(A) provides:

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.

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 intervenor's interest;
- (2) The legal position advanced by the prospective intervenor and its probable relation to the merits of the case;
- (3) Whether the intervention by the prospective intervenor will unduly prolong or delay the proceedings; and
- (4) Whether the prospective intervenor will significantly contribute to full development and equitable resolution of the factual issues.

As a certified retail electric service provider in Ohio, IGS has a real and substantial interest in this proceeding. Initially, IGS serves thousands of customers in the FirstEnergy territory, and the rates of those customers may be impacted by the outcome of this case. Additionally, in this proceeding the Commission will evaluate FirstEnergy's application to extend its Distribution Modernization Rider, which is to be used in support of grid modernization. Because the implementation of grid modernization in FirstEnergy's territory will directly impact IGS' ability to offer innovative products and services, IGS has an interest in the authorization of funds that are to be used for grid modernization.

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 this proceeding without IGS' participation, as the other parties in the case cannot adequately represent and protect the interests of IGS in the case.

Finally, the Supreme Court of Ohio has held that intervention should be liberally

allowed for those with an interest in the proceeding.¹ 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/ Bethany Allen

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¹ *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.* was filed electronically through the Docketing Information System of the Public Utilities Commission of Ohio on this 6th of March 2019. The PUCO's e-filing system will electronically serve notice of the filing of this document on the following parties:

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Summary: Motion Motion to Intervene of Interstate Gas Supply, Inc. electronically filed by Bethany Allen on behalf of Interstate Gas Supply, Inc.