

In the Matter of the Application of )  
Vectren Energy Delivery of Ohio, Inc. for ) Case No. 19-2084-GA-UNC  
Approval to Continue Demand Side )  
Management Program for Its Residential, )  
Commercial, and Industrial Customers. )

Pursuant to Ohio Revised Code 4903.221 and Ohio Administrative Code 4901-1-11, the Environmental Law & Policy Center (“ELPC”) respectfully moves to intervene in the above-captioned proceeding. As explained more thoroughly in the attached Memorandum in Support, ELPC has a real and substantial interest in this case, in which Vectren Delivery of Ohio, Inc. (“Vectren”) asks the Public Utilities Commission of Ohio (“Commission”) to approve continuing the funding for demand-side management (“DSM”) programs offered to its customers. Additionally, ELPC’s interests are not adequately represented by any other party to this matter, and its participation in this proceeding will contribute to a just and expeditious resolution of the issues and questions. Further, ELPC’s participation will not unduly delay the proceedings or prejudice any other party.

ELPC respectfully requests this Commission grant its motion to intervene for these reasons and those set forth in more detail in the attached Memorandum in Support.

Respectfully submitted,

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Ohio Revised Code 4903.221 states that “[a]ny other person who may be adversely affected by a public utilities commission proceeding may intervene in such proceeding” provided the Public Utilities Commission of Ohio (“Commission”) makes certain determinations. The Environmental Law & Policy Center (“ELPC”) is a non-profit environmental advocacy organization whose mission is to improve the Midwest’s environmental quality and economic development. ELPC is an advocate for both environmental health and sustainable economic development. As a regional organization with a presence and members in Ohio, ELPC and its members may be adversely affected by the outcome of this proceeding, and its interests are not adequately represented by the other parties hereto.

R.C. 4903.221 requires the Commission to consider four factors when presented with a motion to intervene. In addition, the Commission's procedural rules at Ohio Administrative Code 4901-11-1 similarly provide that it shall consider five factors when weighing a motion to intervene. ELPC's motion meets all of the factors required by statute and rule.

Pursuant to R.C. 4903.221, the Commission must consider:

- (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.

R.C. 4903.221(B).

With respect to the first factor, ELPC has a substantial interest in Vectren's demand-side management ("DSM") programs. ELPC has an interest in ensuring the protection and promotion of cost-effective energy efficiency in the state to reduce energy consumption and produce corresponding environmental benefits. Moreover, ELPC has members in Ohio and its work focuses on Ohio energy and environmental issues. ELPC participated in Vectren's prior DSM proceedings, Case Nos. 18-298-GA-UNC *et al.*, and the energy efficiency proceedings for another Ohio gas utility, Columbia Gas, in Case Nos. 16-1309-GA-UNC *et al.*, as well as cases regarding similar programs for electric utilities with territories that overlap with Vectren's service territory.

As to the second factor, because of the potential impacts on ELPC and its Ohio members, ELPC seeks the Commission's careful scrutiny of the reasonableness of Vectren's proposed programs to ensure their effectiveness and benefits.

Under the third factor, ELPC's inclusion will not unduly delay or prolong the proceeding. ELPC is timely filing this motion to intervene according to the Commission's scheduling order.

Finally, ELPC will significantly contribute to the full development and resolution of the proceeding by bringing its unique perspective to bear. ELPC has expertise and experience throughout the Midwest regarding clean energy policy that will contribute to resolving the pending issues. ELPC has participated in multiple proceedings in Ohio as well as other states regarding distribution modernization efforts.

Similarly, ELPC meets the requirements set forth in Ohio Admin. Code 4901-11-1(B):

- (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;
- (4) Whether the prospective intervenor will significantly contribute to full development and equitable resolution of the factual issues;
- [and]
- (5) The extent to which the person's interest is represented by existing parties.

The first four factors mirror those in R.C. 4903.221, and for the same reasons as stated above, ELPC meets those factors. As to the fifth, ELPC maintains that no other party can adequately represent its interests as a regional environmental advocacy organization that also focuses on "green" economic development, including new manufacturing and job creation.

Finally, this Commission's policy is to "encourage the broadest possible participation in its proceedings." *Cleveland Elec. Illum. Co.*, Case No. 85-675-EL-AIR, Entry at 2 (January 14, 1986). ELPC's inclusion in this proceeding will contribute to this goal of broad participation in PUCO proceedings.

Because ELPC meets the criteria set forth in both R.C. 4903.221 and Ohio Adm. Code 4901-11-1, it respectfully asks this Commission to grant its motion to intervene in the above-captioned proceedings.

Respectfully submitted,

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### **CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the foregoing Motion to Intervene submitted on behalf of the Environmental Law & Policy Center was filed electronically through the Docketing Information System of the Public Utilities Commission of Ohio on January 17, 2020. The PUCO's e-filing system will electronically serve notice of the filing of this document on counsel for all parties.

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**Case No(s). 19-2084-GA-UNC**

Summary: Motion to Intervene and Memorandum in Support by the Environmental Law and Policy Center electronically filed by Ms. Caroline Cox on behalf of Environmental Law and Policy Center