

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of The)
Dayton Power and Light Company for)
Approval of a Future Seamless Move)
Operational Plan.)

Case No. 19-2144-EL-UNC

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

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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" or "IGS Energy") moves to intervene in the above captioned proceeding. In this case, The Dayton Power and Light Company ("DP&L") filed an application for approval of a seamless move operational plan.

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,

/s/ Bethany Allen

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MEMORANDUM IN SUPPORT

IGS Energy has over 30 years of experience serving customers in Ohio's competitive gas and electric markets. Today, IGS serves over one million customers across the United States, including electric customers of various sizes in each of the four Ohio electric distribution utility service territories. Additionally, the IGS family of companies (which includes 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.

In these proceedings, DP&L has proposed a seamless move operational plan. 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 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, IGS has direct, real, and substantial interests in these proceedings. Implementation of seamless move capability will allow IGS and its customers to continue our relationship without interruption. Also, IGS has been an active participant in the collaborative meetings that led to the development of this proposal, so IGS will be able to significantly contribute to the resolution of any issues.

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 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. *Ohio Consumers' Counsel v. Pub. Util. Comm.*, 111 Ohio St.3d 384, 2006-Ohio-5853. 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,

/s/ Bethany Allen

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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 March 30, 2020 and served via electronic mail to the following:

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