

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In The Matter of The Determination of The )  
Existence of Significantly Excessive Earnings )  
For 2018 Under The Electric Security Plans of ) Case No. 19-1338-EL-UNC  
Ohio Edison Company, The Cleveland )  
Electric Illuminating Company, and The )  
Toledo Edison Company. )

In The Matter of The Determination of The )  
Existence of Significantly Excessive Earnings )  
For 2019 Under The Electric Security Plans of ) Case No. 20-1034-EL-UNC  
Ohio Edison Company, The Cleveland )  
Electric Illuminating Company, and The )  
Toledo Edison Company. )

In The Matter of The Quadrennial Review )  
Required By R.C. 4928.143(E) For The )  
Electric Security Plans of Ohio Edison ) Case No. 20-1476-EL-UNC  
Company, The Cleveland Electric Illuminating )  
Company, and The Toledo Edison Company. )

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

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**MOTION TO INTERVENE**

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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 cases. On September 4, 2020, the Commission opened Case No. 20-1476-EL-UNC in order to conduct the quadrennial review of the Electric Security Plan (“ESP”) of Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company (collectively, “FirstEnergy”), as required by R.C. 4928.143(E). Additionally, the Commission consolidated this proceeding with the review of FirstEnergy’s significant excessive earnings test (“SEET”) applications for 2018 and 2019.

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 the 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 thorough 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 this proceeding with the full powers and rights granted to intervening parties.

Respectfully submitted,

/s/ Bethany Allen

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**MEMORANDUM IN SUPPORT**

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As a retail energy supplier, IGS Energy has over 30 years of experience serving customers in Ohio's competitive gas and electric markets. Currently, IGS serves customers across 20 states, including electric customers of various sizes throughout the FirstEnergy service territories. Additionally, the IGS family of companies, which includes IGS Solar, IGS Generation, IGS Home Services, and IGS CNG Services, provides 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 this proceeding, the Commission will determine whether FirstEnergy's current

ESP is prospectively more favorable in the aggregate than the market rate offer (“MRO”) and if it would result in significantly excessive earnings. Additionally, the Commission will determine whether FirstEnergy had significantly excessive earnings in 2018 and 2019.

IGS respectfully submits that it is entitled to intervene in this proceeding because IGS has a real and substantial interest in this proceeding, the disposition of which may impair or impede its ability to protect that interest.

For purposes of considering requests 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.<sup>1</sup>

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.

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<sup>1</sup> Ohio Adm.Code 4901-1-11(A).

IGS has a direct, real, and substantial interest in this proceeding. Ultimately, the Commission will determine whether FirstEnergy's current ESP is prospectively more beneficial to customers than a hypothetical MRO or if it would produce significantly excessive earnings. If the answer to either test is in the negative, the Commission may impose reasonable and necessary conditions to accommodate a transition to an alternative plan.<sup>2</sup>

As a Signatory Party to the Stipulation modified and approved by the Commission which serves as FirstEnergy's current ESP, IGS has an interest in any potential conditions imposed by the Commission. For example, the outcome of this proceeding may have an impact on FirstEnergy's investments in grid modernization as the rider used to support these initiatives was most recently approved in FirstEnergy's current ESP.<sup>3</sup> Any delays or impediments to grid modernization, such as modifying or removing this cost recovery mechanism, will impact IGS' ability to offer innovative products and services to customers within the FirstEnergy territory. Therefore, IGS has a real and substantial interest in this proceeding.

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 and its customers in this proceeding.

Further, IGS and its counsel have substantial experience appearing and practicing before the Commission; thus, IGS intervention will not unduly prolong or delay this

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<sup>2</sup> See R.C. 4928.143(E).

<sup>3</sup> *In the Matter of the Application of Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company for Authority to Provide for a Standard Service Offer Pursuant to R.C. 4928.143 in the Form of an Electric Security Plan*, Case No. 14-1297-EL-SSO, Opinion and Order (March 31, 2016) at 23, 69.

proceeding. In fact, IGS' involvement in this proceeding will assist in development and resolution of factual issues before the Commission.

Finally, the Supreme Court of Ohio has held that intervention should be liberally allowed for those with an interest in the proceeding.<sup>4</sup> 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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<sup>4</sup> *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 September 29, 2020. The PUCO's e-filing system will electronically serve notice of the filing of this document on the parties subscribed to this proceeding. Additionally, notice was provided to the parties listed below.

/s/ Bethany Allen  
Bethany Allen

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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.