

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Duke	)	
Energy Ohio, Inc., for Approval of its 2021	)	
Energy Efficiency and Demand Side	)	
Management Portfolio of Programs and	)	Case No. 20-1444-EL-POR
Cost Recovery Mechanism.	)	
In the Matter of the Application of Duke	)	
Energy Ohio, Inc., for Approval of Tariff	)	
Amendments.	)	Case No. 20-1445-EL-ATA

---

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

---

Bethany Allen (0093732)  
Counsel of Record  
[bethany.allen@igs.com](mailto:bethany.allen@igs.com)  
Joseph Olikier (0086088)  
[joe.oliker@igs.com](mailto:joe.oliker@igs.com)  
Michael Nugent (0090408)  
[michael.nugent@igs.com](mailto:michael.nugent@igs.com)  
IGS Energy  
6100 Emerald Parkway  
Dublin, Ohio 43016  
Telephone: (614) 659-5000

***Attorneys for IGS Energy***  
*(willing to accept service via email)*

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Duke	)	
Energy Ohio, Inc., for Approval of its 2021	)	
Energy Efficiency and Demand Side	)	
Management Portfolio of Programs and	)	Case No. 20-1444-EL-POR
Cost Recovery Mechanism.	)	
In the Matter of the Application of Duke	)	
Energy Ohio, Inc., for Approval of Tariff	)	
Amendments.	)	Case No. 20-1445-EL-ATA

---

**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 cases. In these proceedings, Duke Energy Ohio, Inc. ("Duke") has submitted an application to implement a new portfolio of residential energy efficiency ("EE") and demand side management ("DSM") programs in 2021, as well as a cost recovery mechanism.

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 the 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 thorough consideration of the issues raised in the proceedings.

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

Respectfully submitted,

/s/ Bethany Allen  
Bethany Allen (0093732)  
Counsel of Record  
[bethany.allen@igs.com](mailto:bethany.allen@igs.com)  
Joseph Olier (0086088)  
[joe.olier@igs.com](mailto:joe.olier@igs.com)  
Michael Nugent (0090408)  
[michael.nugent@igs.com](mailto:michael.nugent@igs.com)  
IGS Energy  
6100 Emerald Parkway  
Dublin, Ohio 43016  
Telephone: (614) 659-5000

***Attorneys for IGS***  
*(willing to accept service via email)*

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Duke	)	
Energy Ohio, Inc., for Approval of its 2021	)	
Energy Efficiency and Demand Side	)	Case No. 20-1444-EL-POR
Management Portfolio of Programs and	)	
Cost Recovery Mechanism.	)	
 In the Matter of the Application of Duke	 )	
Energy Ohio, Inc., for Approval of Tariff	)	Case No. 20-1445-EL-ATA
Amendments.	)	

---

**MEMORANDUM IN SUPPORT**

---

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 Duke service territory. 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 energy efficiency related-products, distributed generation, demand response, compressed natural gas refueling, and back-up generation.

In these proceedings, Duke has submitted an application to implement a new portfolio of residential energy efficiency ("EE") and demand side management ("DSM") programs in 2021, as well as a cost recovery mechanism. 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, 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.

As a certified retail electric service provider, IGS has a direct, real, and substantial interest in these proceedings. In its Application, Duke alleges that its proposed programs "serve needs unmet by the market" and "will actually spur participation in market-based offerings."<sup>2</sup> Because IGS is a market participant in Duke's territory, IGS has an interest in determining the validity of these statements. Without IGS' participation, IGS' interest in ensuring that Duke's EE program functions collaboratively with IGS' current product offerings and customer base within the service territory would be infringed.

---

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

<sup>2</sup> Duke's Application at 9.

Additionally, it would be inappropriate to determine these proceedings without IGS' participation, as the other parties in the cases cannot adequately represent and protect the interests of IGS and its customers in these proceedings.

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. In fact, IGS' involvement in these proceedings 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>3</sup> 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  
Bethany Allen (0093732)  
Counsel of Record  
[bethany.allen@igs.com](mailto:bethany.allen@igs.com)  
Joseph Olikier (0086088)  
[joe.oliker@igs.com](mailto:joe.oliker@igs.com)  
Michael Nugent (0090408)  
[michael.nugent@igs.com](mailto:michael.nugent@igs.com)  
IGS Energy  
6100 Emerald Parkway  
Dublin, Ohio 43016  
Telephone: (614) 659-5000

---

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

***Attorneys for IGS Energy***  
*(willing to accept service via email)*

## **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 October 22, 2020. The Commission's e-filing system will electronically serve notice of the filing of this document on the parties subscribed to these proceedings. Additionally, notice was provided to the parties listed below.

/s/ Bethany Allen

Bethany Allen

### **SERVICE LIST**

Rocco.DAscenzo@duke-energy.com

Jeanne.Kingery@duke-energy.com

Larisa.Vaysman@duke-energy.com

mkurtz@BKLawfirm.com

kboehm@BKLawfirm.com

jkylern@BKLawfirm.com



**This foregoing document was electronically filed with the Public Utilities**

**Commission of Ohio Docketing Information System on**

**10/22/2020 11:35:23 AM**

**in**

**Case No(s). 20-1444-EL-POR, 20-1445-EL-ATA**

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.