

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Ohio            )  
Power Company to Amend its Tariff                )    Case No. 20-1603-EL-ATA

In the Matter of the Application of Ohio            )  
Power Company for Approval of Certain            )    Case No. 20-1604-EL-AAM  
Accounting Authority                                )

---

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

---

Bethany Allen (0093732)  
Counsel of Record  
[bethany.allen@igs.com](mailto:bethany.allen@igs.com)  
Joseph Oliker (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 & IGS Solar***  
*(willing to accept service via email)*

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Ohio )  
Power Company to Amend its Tariff ) Case No. 20-1603-EL-ATA

In the Matter of the Application of Ohio )  
Power Company for Approval of Certain ) Case No. 20-1604-EL-AAM  
Accounting Authority )

---

**MOTION TO INTERVENE**

---

Pursuant to R.C. 4903.221 and Ohio Adm. Code 4901-1-11, Interstate Gas Supply, Inc. (“IGS Energy”) and IGS Solar, Inc. (“IGS Solar”) (collectively, “IGS”) move to intervene in the above captioned cases. In these proceedings, the Ohio Power Company (“AEP Ohio”) has submitted an application for approval of a new optional and bypassable green energy tariff for non-shopping customers and a change in accounting to provide for the tariff, should it be approved.

As set forth in the attached Memorandum in Support, IGS Energy and IGS Solar submit that they both have a direct, real, and substantial interest in the issues and matters involved in the above-captioned proceedings, and that they are both so situated that the disposition of the proceedings without their participation may, as a practical matter, impair or impede their ability to protect those interests. IGS Energy and IGS Solar further submit that their participation in these proceedings will not cause undue delay, will not unjustly prejudice any existing party to the cases, and will contribute to the thorough consideration of all of the issues raised in the proceedings.

IGS Energy and IGS Solar's interests will not be adequately represented by any other parties to these proceedings and therefore both IGS Energy and IGS Solar are 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 Oliker (0086088)

[joe.oliker@igs.com](mailto:joe.oliker@igs.com)

Michael Nugent (0090408)

[michael.nugent@igs.com](mailto:michael.nugent@igs.com)

IGS Energy and IGS Solar

6100 Emerald Parkway

Dublin, Ohio 43016

Telephone: (614) 659-5000

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

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Ohio )  
Power Company to Amend its Tariff ) Case No. 20-1603-EL-ATA

In the Matter of the Application of Ohio )  
Power Company for Approval of Certain ) Case No. 20-1604-EL-AAM  
Accounting Authority )

---

**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 AEP Ohio service territory. IGS Solar, a subsidiary of IGS Energy, constructs, manages, and finances solar energy across the United States ranging in scope from residential rooftop systems to large commercial scale systems. Additionally, IGS manages a large portfolio of Renewable Energy Credits (“RECs”) including those produced by IGS’s solar facilities.

In these proceedings, AEP Ohio has submitted an application to implement an optional and bypassable green tariff targeted specifically at non-shopping customers within AEP Ohio’s service territory. 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.

IGS has a direct, real, and substantial interest in these proceedings. IGS Energy and IGS Solar provide a diverse range of product offerings in the market, including renewable competitive retail electric service as well as in front of the meter and behind the meter solar products. Thus, IGS has an interest in the determination of whether AEP Ohio, a regulated electric distribution company, can offer green services as well. Without IGS's participation, IGS's interest in ensuring that AEP Ohio's proposed new product offering does not adversely impact IGS' businesses would be severely impeded.

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

---

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

the interests of either IGS Energy or IGS Solar and their 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>2</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 Energy and IGS Solar 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

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

---

<sup>2</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. and IGS Solar, Inc.* was filed electronically through the Docketing Information System of the Public Utilities Commission of Ohio on November 3, 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 party listed below.

/s/ Bethany Allen

Bethany Allen

### **SERVICE LIST**

stnourse@aep.com

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

**Commission of Ohio Docketing Information System on**

**11/3/2020 2:23:41 PM**

**in**

**Case No(s). 20-1603-EL-ATA, 20-1604-EL-AAM**

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