

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

Tariff Update of the Demand Side)	
Management and Energy Efficiency Riders)	
of Ohio Edison Company, The Cleveland)	
Electric Illuminating Company and The)	Case No. 20-1673-EL-RDR
Toledo Edison Company)	

In the Matter of the Application of Ohio)	
Edison Company, The Cleveland Electric)	
Illuminating Company and The Toledo)	Case No. 20-1748-EL-ATA
Edison Company for Approval of a New)	
Tariff)	

**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 cases. In these proceedings, Ohio Edison Company, The Cleveland Electric Illuminating Company and The Toledo Edison Company (collectively, "FirstEnergy") has submitted an application to, among other things, establish a new cost recovery mechanism for certain energy efficiency and peak demand reduction ("EE/PDR") programs and related administrative fees, lost distribution revenues, and shared savings.

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,

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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 FirstEnergy service territory. Additionally, the IGS family of companies provide 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, FirstEnergy has submitted an application to establish a new cost recovery mechanism for certain energy EE/PDR programs, administrative fees, lost distribution revenues, and shared savings. 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.¹

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 a direct, real, and substantial interest in these proceedings. Without IGS's participation, IGS will be unable to ensure that any EE/PDR programs offered by FirstEnergy are consistent with state law and policy and do not improperly interfere with the competitive marketplace.

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

¹ Ohio Adm. Code 4901-1-11(A).

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's 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.² 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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² *Ohio Consumers' Counsel v. Pub. Util. Comm.*, 111 Ohio St.3d 384, 2006-Ohio-5853, ¶ 20.

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 February 1, 2021. The Commission's e-filing system will electronically serve notice of the filing of this document on the parties subscribed to these proceedings.

/s/ 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.