

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Regulation of The)	
Purchased Gas Adjustment Clause)	Case No. 21-0218-GA-GCR
Contained Within the Rate Schedules of)	
Duke Energy Ohio, Inc..)	
)	
In the Matter of the Uncollectible Expense)	Case No. 21-318-GA-UEX
Rider of Duke Energy Ohio, Inc.)	
)	
In the Matter of the Percentage of Income)	Case No. 21-418-GA-PIP
Payment Plan Rider of Duke Energy Ohio,)	
Inc.)	

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

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In the Matter of the Regulation of The)	
Purchased Gas Adjustment Clause)	Case No. 21-0218-GA-GCR
Contained Within the Rate Schedules of)	
Duke Energy Ohio, Inc. and Related)	
Matters.)	
)	
In the Matter of the Uncollectible Expense)	Case No. 21-318-GA-UEX
Rider of Duke Energy Ohio, Inc.)	
)	
In the Matter of the Percentage of Income)	Case No. 21-418-GA-PIP
Payment Plan Rider of Duke Energy Ohio,)	
Inc.)	

MOTION TO INTERVENE

Pursuant to R.C. 4903.221 and Ohio Administrative Code (“OAC”) Rule 4901-1-11, Interstate Gas Supply, Inc. (“IGS”) moves to intervene in the above-captioned proceeding in which Duke Energy Ohio, Inc. (“Duke”) is seeking to revise its purchased gas adjustment clause and its gas purchasing practices and other related matters. IGS has a real and substantial interest in this proceeding that will not be protected in the absence of IGS’ intervention. The interest of IGS is not represented by any other party in the proceeding. Moreover, the outcome of this proceeding could impact all customers within the Duke service territory who receive natural gas services.

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 this 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 just and expeditious resolution of the issues and concerns raised in this proceeding.

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

Respectfully submitted,

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MEMORANDUM IN SUPPORT

IGS has over 30 years' experience serving customers in Ohio's competitive markets. IGS serves over 1 million customers nationwide and sells natural gas and electricity to customers in 11 states and in over 40 utility service territories. In Ohio, IGS currently serves gas customers of various sizes in the Columbia Gas of Ohio, Dominion Energy Ohio, Duke Energy Ohio, and Vectren service territories. The IGS family of companies (which include IGS Solar, IGS Generation, IGS Home Services, and IGS CNG Services) also provide customer-focused energy solutions that complement IGS Energy's core commodity business, including: distributed generation, demand response, compressed natural gas refueling, back-up generation, and utility line protection.

In this proceeding, the Public Utilities Commission of Ohio ("PUCO"), has ordered an audit to review the incurred and estimated cost used to calculate Duke's gas cost recovery rates for the 12-month period ending August 2021 as well as other gas related

policies identified throughout the audit process.¹ IGS participates in Duke's Choice program and serves residential and commercial customers throughout its service territory. Several matters in this proceeding, including but not limited to Duke's rates, storage assets, propane assets, and balancing tariffs and rates will directly impact IGS' customers and business operations.

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 IGS' ability to protect that interest. For purposes of considering requests for leave to intervene in a Commission proceeding, 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.²

Further, RC 4903.221(B) and OAC Rule 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; (4) Whether the prospective intervener will significantly contribute to full development and equitable resolution of the factual issues.

Regarding the first prong of the Commission's criteria, precedent holds that retail

¹ *Entry Initiating the Annual Gas Cost Recovery, Uncollectible Expense, and Percentage of Income Payment Plan Audits of Duke Energy Ohio, Inc.* (Mar. 10, 2021).

² Rule 4901-1-11(A), OAC.

suppliers have been granted intervention in Commission proceedings that may impact retail choice programs, customers, and the competitive market. In Duke's GCR proceeding, for example, the Commission stated:

The thrust of [Duke's] argument is that IGS does not have a real and substantial interest in this GCR proceeding. The examiner finds that issues related to the competitive market, competitive suppliers, and their customers may arise in this proceeding. Such issues have been a part of the utility's prior GCR cases before the Commission.³

IGS has a substantial interest in this proceeding insofar as it seeks to ensure that changes made in relation to Duke's tariffs are appropriate. Given that IGS serves customers throughout Duke's service territory that would be impacted by the proposed changes, IGS has a direct, real, and substantial interest in this proceeding.

IGS' intervention also will not unduly delay this proceeding. No procedural schedule has been established; therefore, IGS' request to intervene is timely, will not prolong the proceeding, and intervention should be granted.

Further, IGS is so situated that without IGS' ability to fully participate in this proceeding, its substantial interest will be prejudiced. Others participating in this proceeding do not represent IGS' interests. Inasmuch as others participating in this proceeding cannot adequately protect IGS' interests, it would be inappropriate to determine this proceeding without IGS' participation.

Finally, the Supreme Court of Ohio has held that intervention should be liberally allowed for those with an interest in the proceeding.⁴ In light of the liberal interpretation

³ *In the matter of the regulation of the purchased gas adjustment clauses contained within the rate schedules of Cincinnati Gas & Electric Company and related matters*, Case No. 05-218-GA-GCR, Entry at 2 (Nov. 15, 2005).

⁴ *Ohio Consumers' Counsel v. Pub. Util. Comm.*, (2006) 111 OhioSt.3d 384, 388.

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,

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CERTIFICATE OF SERVICE

I certify that this *Motion to Intervene and Memorandum of Support of Interstate Gas Supply, Inc.* was filed electronically with the Docketing Division of the Public Utilities Commission of Ohio on this 21st day of April 2021.

/s/ Michael Nugent
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Summary: Motion Motion to Intervene and Memorandum in Support of Interstate Gas Supply Inc. electronically filed by Regan Donoughe on behalf of Interstate Gas Supply, Inc.