

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the 2020 Review of the
Delivery Capital Recovery Rider Ohio
Edison Company, The Cleveland Electric
Illuminating Company, and The Toledo
Edison Company.

Case No. 20-1629-EL-RDR

**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 case. The Commission opened this proceeding to audit the Delivery Capital Recovery Riders (“Rider DCR”) of Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company (collectively, “FirstEnergy”). Additionally, in light of the recent allegations surrounding FirstEnergy Corp. addressed in *In the Matter of the Review of Ohio Edison Co., Cleveland Elec. Illum. Co., and Toledo Edison Co.’s Compliance with R.C. 4928.17 and Ohio Adm. Code 4901:1-37*, Case No. 17-974-EL-UNC, the Commission subsequently expanded the scope of its review in this proceeding to determine whether any funds collected from ratepayers were used to pay certain vendors and, if so, whether the funds associated with those payments should be returned to ratepayers through Rider DCR or through an alternative proceeding.

As set forth in the attached Memorandum in Support, IGS Energy 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 Energy's interest 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

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 requested an audit to determine whether FirstEnergy has properly implemented its Rider DCR. Additionally, in light of the recent allegations surrounding FirstEnergy Corp. addressed in *In the Matter of the Review of Ohio Edison Co., Cleveland Elec. Illum. Co., and Toledo Edison Co.'s Compliance with R.C. 4928.17 and Ohio Adm. Code 4901:1-37*, Case No. 17-974-EL-UNC, the Commission expanded the scope of its review in this proceeding to determine whether any funds collected from ratepayers were used to pay certain vendors and, if so, whether the funds associated with those payments should be returned to ratepayers through Rider

DCR or through an alternative proceeding.

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.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 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 Energy has direct, real, and substantial interest in this proceeding. As a competitor of FirstEnergy and its affiliate(s) in the provision of non-commodity goods and services, IGS has an interest in ensuring that

¹ Ohio Adm.Code 4901-1-11(A).

FirstEnergy only utilizes Rider DCR to collect distribution-related expenditures from ratepayers. The potential for cross-subsidies between competitive and noncompetitive services exists in this case, especially in light of the expanded scope of the audit due to recent allegations surrounding FirstEnergy Corp. Thus, should the Commission find that FirstEnergy has acted contrary to Ohio law and policy and, therefore, harmful to IGS and its customers, IGS has a strong interest in the resolution of this proceeding, including any potential remedies and preventative measures to ensure this does not happen in the future. Therefore, IGS has a real and substantial interest in this proceeding.

Additionally, it would be inappropriate to determine this proceeding without IGS Energy's participation, as the other parties in the case cannot adequately represent and protect the interest 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 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.² 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,

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

/s/ Bethany Allen

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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 August 4, 2021. The PUCO's e-filing system will electronically serve notice of the filing of this document on the parties subscribed to this proceeding.

/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.