

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of The)	
East Ohio Gas Company d/b/a Dominion)	Case No. 21-0619-GA-RDR
Energy Ohio for Authority to Adjust Its)	
Capital Expenditure Program Rider)	
Charges.)	

**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 Administrative Code (“OAC”) Rule 4901-1-11, Interstate Gas Supply, Inc. (“IGS”) moves to intervene in the above-captioned proceeding in which Dominion Energy Ohio (“DEO”) seeks approval from the Public Utilities Commission of Ohio (“PUCO” or Commission”) to adjust the rates of its Capital Expenditures Program rider (“CEP”).¹ 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 IGS’ existing and potential business interests in the DEO service territory, but the administration of DEO’s choice program as well.

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

¹ *In the Matter of the Application of The East Ohio Gas Company d/b/a Dominion Energy Ohio for Authority to Adjust Its Capital Expenditure Program Rider Charges*, (April 1, 2021) (hereinafter “Application”).

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,

/s/ Michael Nugent

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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 ("DEO"), 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.

Pursuant to the Commission's Order in Case No. 19-468-GA-ALT,² DEO filed an application seeking Commission approval to amend its tariffs to adjust rates and recover the costs associated with its Capital Expenditure Program ("CEP") rider. DEO's application seeks to update its CEP rider to recover the costs associated with its

² *In the Matter of the Application of the East Ohio Gas Company d/b/a Dominion Energy Ohio for Approval of an Alternative form of Regulation to Establish a Capital Expenditure Program Rider Mechanism*, Case No. 19-468-GA-ALT, Opinion and Order (Dec. 30, 2020).

investment in CEP assets placed in service from January 1, 2019- December 31, 2020.³ Specifically, DEO seeks to recover capital investments related to the installation, upgrade or replacement of information technology resources through its CEP rider.⁴ An audit of DEO's proposal found that it performed two informational technology projects during the audit period, and the costs of those projects were split between DEO and a subsidiary.⁵

IGS participates in DEO's Choice program and serves residential and commercial customers throughout its service territory. DEO's decision to install, upgrade or replace information technology resources may impact the administration of the Choice program in its service territory. IGS also seeks to ensure that the costs associated with those resources and programs are appropriately allocated. Accordingly, IGS seeks intervention in this 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 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

³ Application at 2.

⁴ Application at Attachment A; Schedule 3.

⁵ Plant-in-Service and Capital Expenditure Program Audit of The East Ohio Gas Company, d/b/a Dominion Energy Ohio, Case No. 21-0619-GA-RDR at 46 (Jul. 15, 2021).

represented by existing parties.⁶

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 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; (4) Whether the prospective intervenor 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 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.⁷

IGS has a substantial interest in this proceeding insofar as it seeks to ensure that the proposed CEP charges included in DEO's application do not contain any cross subsidies between Choice customers and distribution rates. Additionally, given that the capital expenditures for which DEO seeks cost recovery include information technologies that could impact the administration of DEO's Choice program, IGS has a direct, real, and

⁶ Rule 4901-1-11(A), OAC.

⁷ *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).

substantial interest in this proceeding.

IGS' intervention also will not unduly delay this proceeding. The procedural schedule as set forth by the Commission allows for intervention by August 16, 2021. Because this motion and memorandum have been filed in accordance with the schedule, 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.⁸ 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,

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⁸ *Ohio Consumers' Counsel v. Pub. Util. Comm.*, (2006) 111 OhioSt.3d 384, 388.

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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 16th day of August 2021.

/s/ Michael Nugent
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Summary: Motion to Intervene electronically filed by Mr. Michael A Nugent on behalf of Interstate Gas Supply, Inc.