

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of
Duke Energy Ohio, Inc., for an
Increase in Electric Distribution
Rates.

Case No. 21-887-EL-AIR

In the Matter of the Application of
Duke Energy Ohio, Inc., for Tariff
Approval.

Case No. 21-888-EL-ATA

In the Matter of the Application of
Duke Energy Ohio, Inc., for
Approval to Change Accounting
Methods.

Case No. 21-889-EL-AAM

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

Bethany Allen (0093732)
Counsel of Record
Bethany.allen@igs.com
Michael Nugent (0090408)
michael.nugent@igs.com
Evan Betterton (0100089)
evan.betterton@igs.com
IGS Energy
6100 Emerald Parkway
Dublin, Ohio 43016
Telephone: (614) 659-5000

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

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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 this proceeding, Duke Energy Ohio, Inc. ("Duke") seeks approval of an increase in its electric distribution rates, tariff modifications, and changes in accounting methods ("Application").

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 proceedings, 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 throughout consideration of the issues raised in the 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/ Bethany Allen

Bethany Allen (0093732)

Counsel of Record

bethany.allen@igs.com

Michael Nugent (0090408)

michael.nugent@igs.com

Evan Betterton (0100089)

evan.betterton@igs.com

IGS Energy

6100 Emerald Parkway

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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 Duke service territory. Additionally, the IGS family of companies, which includes IGS Solar, IGS Generation, IGS Home Services, and IGS CNG Services, provide 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, Duke seeks an increase in its electric distribution rates, tariff modifications, and changes in accounting methods. 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 has a direct, real, and substantial interest in this proceeding. In its Application, Duke has proposed the Retail Reconciliation Rider "that, if required by the Commission, would reallocate quantifiable costs related to either the provision of standard service offer generation service or the support of the customer choice program, rather than including such costs in base distribution rates."² Thus, IGS has an interest in ensuring the rates ultimately approved by the Commission

¹ Ohio Adm.Code 4901-1-11(A).

² Application (Oct. 1, 2021) at 2-3.

properly allocate distribution costs to distribution rates and generation costs to generation rates.

In addition, it would be inappropriate to determine this proceeding without IGS' participation, as the other parties in the case cannot adequately represent and protect the interests 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 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.³ 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,

/s/ Bethany Allen

Bethany Allen (0093732)

Counsel of Record

bethany.allen@igs.com

Michael Nugent (0090408)

michael.nugent@igs.com

Evan Betterton (0100089)

evan.betterton@igs.com

IGS Energy

6100 Emerald Parkway

Dublin, Ohio 43016

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

Telephone: (614) 659-5000

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

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 October 5, 2021. The PUCO's e-filing system will electronically serve notice of the filing of this document on the following parties listed below.

/s/ Bethany Allen

Bethany Allen

SERVICE LIST

Staff of the Public Utilities Commission

Robert.eubanks@ohioago.gov

Werner.margard@ohioago.gov

Duke Energy Ohio, Inc.

Rocco.dascenzo@duke-energy.com

Jeanne.kingery@duke-energy.com

Larisa.vaysman@duke-energy.com

ebrama@taftlaw.com

Office of the Ohio Consumers' Counsel

William.Michael@occ.ohio.gov

Ambrosia.wilson@occ.ohio.gov

Amy.botschner.obrien@occ.ohio.gov

Ohio Energy Group

mkurtz@BKLawfirm.com

kboehm@BKLawfirm.com

kylercohn@BKLawfirm.com

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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.