

**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. 21-1109-GA-ALT
Energy Ohio for Approval of an Alternative)	
Form of Regulation)	

**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 The East Ohio Gas Company, d/b/a Dominion Energy Ohio (“Dominion”), seeks approval from the Public Utilities Commission of Ohio (“PUCO” or “Commission”) to continue and expand its portfolio of demand-side management (“DSM”)/energy-efficiency (“EE”) programs and to recover the associated incremental costs through its existing DSM Rider.¹ The application seeks to expand two existing DSM/EE programs and to introduce eight new programs for residential and small commercial customers.²

As a competitive retail natural gas provider, IGS has a real and substantial interest in this proceeding that will not be protected absent IGS’s intervention. The interest of IGS is not represented by any other party in the proceeding. Moreover, the outcome of this proceeding will impact customers within Dominion’s service territory who may qualify for

¹ *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* at 1, Case No. 21-1109-GA-ALT (Nov. 30, 2021). (hereinafter “Application”)

² *Id.* at 2.

an energy efficiency incentive and the partner companies that have worked with Dominion through their previous DSM programs.

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's 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 gas markets and, for many of those years, has been a leading competitive retail natural gas supplier of energy efficiency products and services. 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, utility line protection, and a suite of other energy-related products and services.

In this proceeding, Dominion is seeking to not only continue its existing DSM/EE programs through the year 2027, but also to expand its DSM/EE portfolio by introducing eight new programs for residential and small commercial customers. Specifically, Dominion seeks Commission approval to introduce a Residential EE Marketplace

Program, High Efficiency Residential Gas Equipment Program, and Commercial Customer Program, among others.³ Dominion also proposes to maintain its current DSM collaborative to elicit and receive input on its DSM/EE programs from interested stakeholders.⁴ IGS participated in prior DSM collaboratives with Dominion and other stakeholders and, therefore, has a real interest in the outcome of 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 represented by existing parties.⁵

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.

³ *Id.* at 7.

⁴ *Id.* at 13.

⁵ Rule 4901-1-11(A), OAC.

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.⁶

IGS has a direct, real, and substantial interest in this proceeding insofar as it serves residential and commercial natural gas customers in Dominion's service territory and has actively participated in previous Dominion DSM collaboratives. IGS has also provided energy efficient products to customers, including the deployment of energy efficient "smart thermostats."

IGS's motion is timely; therefore, its intervention will not unduly delay this proceeding. Further, IGS is so situated that without an ability to fully participate in this proceeding, its ability to control the messaging regarding certain DSM/EE products and services offered will be prejudiced. Others participating in this proceeding also do not represent IGS' interests. Indeed, no other CRNGS supplier or trade association representing CRNGS suppliers has sought intervention as of IGS's filing. It would be inappropriate to determine this proceeding without IGS' participation given that the other parties in this case cannot adequately represent and protect the interests of IGS or its customers.

⁶ *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).

Finally, the Supreme Court of Ohio has held that intervention should be liberally allowed for those with an interest in the proceeding.⁷ 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/ Michael Nugent
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⁷ *Ohio Consumers' Counsel v. Pub. Util. Comm.*, (2006) 111 OhioSt.3d 384, 388.

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 8th day of February 2022.

/s/ Michael Nugent
Michael Nugent

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Summary: Motion to Intervene and Memorandum in Support of Interstate Gas Supply, Inc. electronically filed by Mr. Michael A. Nugent on behalf of Interstate Gas Supply, Inc.