

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Duke)
Energy Ohio, Inc., for Approval of a)
Waiver of Specific Sections of the Ohio)
Administrative Code.

Case No. 21-967-GE-WVR

**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. In this proceeding, Duke Energy Ohio, Inc. (“Duke”) seeks a waiver of Rule 4901:1-17-05(C). Duke is requesting the ability to annually credit accumulated interest on deposits to customers while the principal portion of their deposits remain with the Company.¹

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 proceedings, 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 thorough consideration of the issues raised in this proceeding.

¹ In the Matter of the Application of Duke Energy Ohio, Inc., for a Waiver of Specific Sections of the Ohio Administrative Code (“Application”), Case No. 21-967-EL-WVR, Application for Waiver (September 20, 2021); Proposed Reply Comments (March 3, 2022)

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

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 of various sizes throughout the Duke Ohio service territory. 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. IGS develops innovative and consumer-friendly processes for interacting and enrolling customers while ensuring that appropriate safeguards are in place to protect consumers and uphold the IGS brand. IGS employs approximately 750 people in the State of Ohio. IGS contributes over \$100 million per year to the Ohio economy in payroll and taxes.

In this proceeding, Duke Energy Ohio, Inc. ("Duke") seeks a waiver of Rule 4901:1-17-05(C). Duke is requesting the ability to annually credit accumulated interest on deposits to customers while the principal portion of their deposits remain with the Company. IGS respectfully submits that it is entitled to intervene in these proceedings

because IGS has a real and substantial interest in these proceedings, 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.²

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 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; and
- (4) Whether the prospective intervenor 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 these proceedings. Precedent holds that retail suppliers have a real and substantial interest in Commission proceedings that may impact retail choice programs, customers, and the competitive market.³ Additionally, it would be inappropriate to determine these proceedings without IGS' participation, as the other parties in the case

² Ohio Adm.Code 4901-1-11(A).

³ See *In re Cincinnati Gas & Electric Company*, Case No. 05-218-GA-GCR, Entry (Nov. 15, 2005) at 1-2.

cannot adequately represent and protect the interests of IGS and its customers in these proceedings.

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 this proceeding.⁴ 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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⁴ *Ohio Consumers' Counsel v. Pub. Util. Comm.*, 111 Ohio St.3d 384, 2006-Ohio-5853.

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 March XX, 2022. The PUCO's e-filing system will electronically serve notice of the filing of this document on the parties subscribed to these proceedings. Additionally, notice was provided to the parties listed below.

/s/ Stacie Cathcart
Stacie Cathcart

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**This foregoing document was electronically filed with the Public Utilities
Commission of Ohio Docketing Information System on**

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in

Case No(s). 21-0967-GE-WVR

Summary: Motion Motion to Intervene by Interstate Gas Supply, Inc. electronically
filed by Stacie Cathcart on behalf of Interstate Gas Supply