

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of the Dayton Power and Light Company to Establish a Standard Service Offer in the form of an Electric Security Plan.))))	Case No. 08-1094-EL-SSO
In the Matter of the Application of the Dayton Power and Light Company for Approval of Revised Tariffs.)))	Case No. 08-1095-EL-ATA
In the Matter of the Application of the Dayton Power and Light Company for Approval of Certain Accounting Authority)))	Case No. 08-1096-EL-AAM
In the Matter of the Application of the Dayton Power and Light Company for Waiver of Certain Commission Rules.)))	Case No. 08-1097-EL-UNC

**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 cases. IGS is seeking intervention in this 14 year old case due to the complex innerworkings of the Electric Security Plan cases of the company previously known as the Dayton Power and Light Company, now AES Ohio. IGS was a full participant, and party of record, in both AES Ohio’s ESP II and ESP III proceedings, but not this proceeding.¹ As evidence of such, IGS is mentioned by name nine times in the Entry in this docket issued on April 22, 2022. IGS plans to fully evaluate, attend prehearing and other scheduled events

¹ See *In the Matter of the Application of The Dayton Power and Light Company for Approval of Its Electric Security Plan*, Case No. 12-426-EL-SSO; *et. al.* and 16-394-EL-SSO; *et. al.*

associated with this docket, and comply with the decisions in this case which may impact its pleadings in other docketed proceedings.

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 the proceedings without IGS' participation may, as a practical matter, impair or impede IGS' ability to protect that interest. IGS further submits that its participation in these proceedings 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 proceedings.

IGS' interests will not be adequately represented by other parties to these proceedings and therefore, IGS is entitled to intervene in these proceedings 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 across 20 states, including electric customers of various sizes throughout the AES Ohio 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, the procedural intricacies of the three ESP cases are colliding. 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.

IGS respectfully submits that it is entitled to intervene in these proceedings because IGS has a real and substantial interest in these proceedings given their closely related nature to the other ESP proceedings and the fact that IGS's past applications for rehearing directly impact the adjudication of this case, 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 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

² Ohio Adm.Code 4901-1-11(A).

interest in these proceedings. The dismissal of the Office of the Ohio Consumers Counsel's ("OCC's") Appeal and AES Ohio's cross-appeal necessitate the unwinding of other issues in this case dating back over a decade. Because these decisions will directly impact legal positions taken by IGS in other cases, IGS has an interest in ensuring its arguments are heard. Therefore, IGS has a real and substantial interest in this proceeding.

Additionally, it would be inappropriate to determine these proceedings without IGS' participation, as the other parties in the case 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 the proceeding.³ In light of the liberal interpretation of the intervention rules, IGS clearly meets the standards for intervention in these proceedings. Additionally, IGS has already provided comments in this case without objection or issue. Moreover, IGS's presence was explicitly requested in the April 22, 2022 Entry.

For the reasons set forth above, IGS respectfully requests the Commission grant this Motion to Intervene.

Respectfully submitted,

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

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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 May 3, 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/ Evan Betterton

Evan Betterton

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UNC**

Summary: Motion to Intervene and Memorandum in Support electronically filed by
Mr. Evan F. Betterton on behalf of Interstate Gas Supply, Inc.