

**BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Ohio	)	
Edison Company, The Cleveland Electric	)	
Illuminating Company, and The Toledo	)	Case No. 22-0704-EL-UNC
Edison Company for Approval of Phase	)	
Two of Their Distribution Grid	)	
Modernization Plan	)	

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

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**MOTION TO INTERVENE**

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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 Ohio Edison Company (“Ohio Edison”), The Cleveland Electric Illuminating Company (“CEI”), and The Toledo Edison Company (“Toledo Edison”) (collectively, the “Companies”) request authorization for a second phase of their distribution grid modernization plan (“Grid Mod II”).<sup>1</sup> 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 the interests of IGS as IGS provides services to customers in the Companies’ service territories.

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-

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<sup>1</sup> *In the Matter of the Application of Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company, for Approval of Phase Two of Their Distribution Grid Modernization Plan*, Case No. 22-0704-EL-UNC, (July 15, 2022).

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' 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/ Stacie Cathcart

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### MEMORANDUM IN SUPPORT

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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 electric customers of various sizes in the Ohio Edison, CEI, and Toledo Edison 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.

On July 15, 2022, the Companies requested authorization for a second phase of their distribution grid modernization plan ("Grid Mod II"). Grid Mod II will continue the deployment of the same core Grid Mod I technologies across their service territories.<sup>2</sup> IGS seeks intervention in this proceeding because the Companies are seeking changes

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<sup>2</sup> *In the Matter of the Application of Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company, for Approval of Phase Two of Their Distribution Grid Modernization Plan*, Case No. 22-0704-EL-UNC, (July 15, 2022).

that will impact IGS and its customers, and thus IGS will be directly impacted by the outcome of these proceedings.

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.<sup>3</sup>

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

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<sup>3</sup> Rule 4901-1-11(A), OAC.

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.<sup>4</sup>

Issues related to the competitive market, competitive suppliers, and their customers almost certainly will arise in this case and the Commission has previously granted IGS's intervention in other utility cases given their real and direct impact on the business of both CRES and CRNGS suppliers. IGS has a substantial interest in this proceeding insofar as IGS and the competitive market as a whole could be impacted by the requests proposed by the Companies in this case. Given IGS' involvement in serving both commercial and residential customers throughout its service territory, IGS has a direct, real, and substantial interest in this proceeding.

IGS' intervention also will not unduly delay this proceeding. No procedural schedule has been established; therefore, 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.<sup>5</sup> In light of the liberal interpretation

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<sup>4</sup> *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).

<sup>5</sup> *Ohio Consumers' Counsel v. Pub. Util. Comm.*, (2006) 111 OhioSt.3d 384, 388.

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/ Stacie Cathcart

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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 28th day of December 2022.

/s/ Stacie Cathcart  
Stacie Cathcart

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