

FILE

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Commission Review of)
the Capacity Charges of Ohio Power)
Company and Columbus Southern Power)
Company)

Case No. 10-2929-EL-UNC

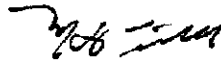
4
RECEIVED-DOCKETING DIV
2011 JAN -7 PM 5:15
PUCO

**MOTION FOR LEAVE TO INTERVENE OF
DIRECT ENERGY SERVICES, LLC AND DIRECT ENERGY BUSINESS, LLC**

Pursuant to Section 4903.221, Revised Code and Rule 4901-1-11 of the Ohio Administrative Code, Direct Energy Services, LLC and Direct Energy Business, LLC ("Direct Energy") moves for intervention in the above-styled proceeding as a full party of record. The reasons supporting the intervention are contained in the accompanying Memorandum in Support.

WHEREFORE, Direct Energy respectfully requests that the Commission grant this motion for leave to intervene and that Direct Energy Services, LLC and Direct Energy Business, LLC be made a full party of record.

Respectfully Submitted,



M. Howard Petricoff (0008287)
Stephen M. Howard (0022421)
VORYS, SATER, SEYMOUR AND PEASE LLP
52 East Gay Street
P. O. Box 1008
Columbus, Ohio 43216-1008
Tel. (614) 464-5414
Fax (614) 464-6350

Attorneys for Direct Energy Services, LLC and
Direct Energy Business, LLC

This is to certify that the images appearing are an
accurate and complete reproduction of a case file
document delivered in the regular course of business.
Technician Date Processed 1/10/11

**MEMORANDUM IN SUPPORT OF
THE MOTION TO INTERVENE OF
DIRECT ENERGY SERVICES, LLC AND DIRECT ENERGY BUSINESS, LLC**

Section 4903.221, Revised Code and Rule 4901-1-11 of the Ohio Administrative Code, establish the standard for intervention in the above-styled proceeding as a full party of record.

Rule 4901-1-11 of the Ohio Administrative Code states in part:

Upon timely motion, any person shall be permitted to intervene in a proceeding upon a showing that:

* * *

(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.

In addition to establishment of a direct interest, the factors that the Public Utilities Commission of Ohio (the "Commission") considers in implementing the above rule are the nature of the intervenor's interest, the extent that interest is represented by existing parties, the intervenor's potential contribution to a just and expeditious resolution of the issues involved, and whether intervention would result in an undue delay of the proceeding. (See also R.C. 4903.221(B) upon which the above rule is authorized). A review of these factors in light of following facts supports granting Direct Energy's intervention.

Direct Energy holds Certificate No.'s 00-019(5) and 00-0005(5) as a competitive retail electric supplier ("CRES") from the Commission to engage in the competitive sale of electric service to retail customers in Ohio. Direct Energy currently provides service to retail electric customers in the Columbus Southern Power service area and has done so since 2002. Thus, Direct Energy has a direct business interest that will be affected by the outcome of this proceeding as it pays the capacity charge in question in order to server existing customers, and the amount and design of the charge affect the ability of Direct Energy to provide service to other

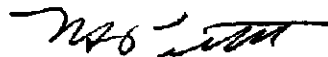
customers. In light of Direct Energy's direct and unique pecuniary interest in this proceeding its interests cannot be represented by other intervenors.

On December 8, 2010, the Public Utilities Commission of Ohio issued an Entry in this case inviting comments from interested persons concerning the Ohio Power Company and the Columbus Southern Power Company capacity charges to Ohio's competitive retail electric service providers. Contemporaneously with this intervention, Direct Energy is filing such comments.

The intervention is timely and should not unduly delay the instant proceedings. Because of its unique expertise and participation in the competitive retail and wholesale markets in Ohio in general and its specific and across the country, Direct Energy will be able to assist in the development of a full and complete record to assist the Commission in its consideration of the Application.

WHEREFORE, Direct Energy respectfully requests that the Commission grant this motion for leave to intervene and that it be made a full party of record.

Respectfully Submitted,



M. Howard Petricoff (0008287)
Stephen M. Howard (0022421)
VORYS, SATER, SEYMOUR AND PEASE LLP
52 East Gay Street
P. O. Box 1008
Columbus, Ohio 43216-1008
Tel. (614) 464-5414
Fax (614) 464-6350

Attorneys for Direct Energy Services, LLC and
Direct Energy Business, LLC

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of the foregoing document was served this 7th day of January, 2011 by electronic mail, upon the persons listed below.



M. Howard Petricoff

Steven T. Nourse
American Electric Power Service Corporation
1 Riverside Plaza, 29th Floor
Columbus, OH 43215
stnourse@aep.com

Samuel C. Randazzo
Joseph E. Olier
McNees Wallace & Nurick LLC
21 E. State Street, 17th Floor
Columbus, OH 43215
sam@mwncmh.com
joliker@mwncmh.com

David F. Boehm
Michael L. Kurtz
Boehm, Kurtz & Lowery
36 E. 7th St., Suite 1510
Cincinnati, OH 45202
dboehm@BKLawfirm.com
mkturtz@BKLawfirm.com

William L. Wright
Assistant Attorney General
180 E. Broad St., 6th Floor
Columbus, OH 43215
william.wright@puc.state.oh.us

Jody M. Kyler
Jeffrey L. Small
Assistant Consumers' Counsel
10 W. Broad St., Suite 1800
Columbus, OH 43215-3485
kyler@occ.state.oh.us
small@occ.state.oh.us

David C. Rinebolt
Colleen L. Mooney
Ohio Partners for Affordable Energy
231 W. Lima St.
Findlay, OH 45839-1793
drinebolt@ohiopartners.org
cmooney@columbus.rr.com