

**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	)	
Edison Company for Authority to Provide	)	Case No. 12-1230-EL-SSO
for a Standard Service Offer Pursuant to	)	
R.C. § 4928.143 in the Form of an Electric	)	
Security Plan	)	

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

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Pursuant to Section 4903.221 of the Ohio Revised Code (“R.C.”) and Rule 4901-1-11 of the Ohio Administrative Code (“O.A.C.”), 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,

/s/ Joseph M. Clark

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

R.C. § 4903.221 and O.A.C. 4901-1-11 establish the standard for intervention in the above-styled proceeding as a full party of record.

O.A.C. 4901-1-11 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 has a real and substantial interest in this proceeding. Specifically, Direct Energy has a significant interest in several parts of the Application and Stipulation and Recommendation ("Stipulation") filed by Ohio Edison Company, The Cleveland Electric Illuminating Company and the Toledo Edison Company (collectively, "FirstEnergy" or "Companies"), including but not limited to, the continuation of the auction structure for pricing default standard service offer ("SSO") energy supply and the lengthened bid period, the proposed changes affecting the alternative energy rider, and the plan by FirstEnergy to bid in capacity resources into the PJM Interconnection, LLC ("PJM") base residual auction ("BRA") for the 2015-2016 planning year.

The issues impacting Direct Energy, as identified above, demonstrate the depth of Direct Energy's real and substantial interest in this case. Direct Energy will advance legal positions which are directly relevant to the merits of the case and Direct Energy's position. Additionally,

Direct Energy's intervention is timely and will not unduly delay the instant proceedings. Direct Energy's unique expertise and participation in the competitive retail and wholesale markets in Ohio and across the country will significantly contribute to the development of a full and complete record to assist the Commission in its consideration of First Energy's Application. Finally, Direct Energy's direct and unique pecuniary interest in this proceeding cannot be represented by other intervenors.

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,

/s/ Joseph M. Clark

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### **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing Motion For Leave to Intervene of Direct Energy Services, LLC and Direct Energy Business, LLC was served upon the parties of record listed below this 18<sup>th</sup> day of April, 2012 via electronic mail.

/s/ Joseph M. Clark

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Summary: Motion For Leave to Intervene of Direct Energy Services, LLC and Direct Energy Business, LLC electronically filed by Mr. Asim Z. Haque on behalf of Direct Energy Services, LLC and Direct Energy Business, LLC