

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of The Dayton Power and Light Company for Approval of its Market Rate Offer.)	Case No. 12-426-EL-SSO
)	
In the Matter of the Application of The Dayton Power and Light Company for Approval of Revised Tariffs.)	Case No. 12-427-EL-ATA
)	
In the Matter of the Application of The Dayton Power and Light Company for Approval of Certain Accounting Authority.)	Case No. 12-428-EL-AAM
)	
In the Matter of the Application of The Dayton Power and Light Company for Waiver of Certain Commission Rules.)	Case No. 12-429-EL-WVR
)	
In the Matter of the Application of The Dayton Power and Light Company to Establish Tariff Riders.)	Case No. 12-672-EL-RDR
)	

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

Pursuant to Ohio Revised Code (“R.C.”) § 4903.221, and Ohio Administrative Code (“O.A.C.”) Rule 4901-1-11, Direct Energy Services, LLC and Direct Energy Business, LLC (collectively “Direct Energy”) move for intervention in the above-styled proceedings 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 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

Joseph M. Clark

Counsel of Record

6641 North High Street, Suite 200

Worthington, Ohio 43085

Tel. (614) 781-1896

Fax (812) 492-9275

jmclark@vectren.com

Asim Z. Haque (0081880)

Direct Dial: (614) 462-1072

E-mail: Asim.Haque@icemiller.com

Christopher L. Miller (0063259)

Gregory J. Dunn (0007353)

Alan G. Starkoff (0003286)

Ice Miller LLP

250 West Street

Columbus, Ohio 43215

(614) 462-2700 (Main Number)

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

**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 00-019E(6) and 00-05E(6) 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 Dayton Power and Light service territory. Direct Energy has a real and substantial interest in this proceeding. Specifically, Direct Energy has a significant interest in many parts of the Application by Dayton Power & Light (“DP&L”), including but not limited to, the competitive bidding process to set standard service offer prices for customers.

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 the 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 to Intervene and that it be made a full party of record.

Respectfully Submitted,

/s/ Joseph M. Clark

Joseph M. Clark

Counsel of Record

6641 North High Street, Suite 200

Worthington, Ohio 43085

Tel. (614) 781-1896

Fax (812) 492-9275

jmclark@vectren.com

Asim Z. Haque (0081880)

Direct Dial: (614) 462-1072

E-mail: Asim.Haque@icemiller.com

Christopher L. Miller (0063259)

Gregory J. Dunn (0007353)

Alan G. Starkoff (0003286)

Ice Miller LLP

250 West Street

Columbus, Ohio 43215

(614) 462-2700 (Main Number)

*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 Motion to Intervene of Direct Energy Services, LLC and Direct Energy Business, LLC was served this 19th day of April, 2012 by U.S Mail, personal, or electronic mail delivery upon the persons listed below.

/s/ Joseph M. Clark

Joseph M. Clark

Industrial Energy Users-Ohio <i>Samuel C. Randazzo</i> <i>Joseph E. Olikier</i> <i>Frank P. Darr</i> <i>Matthew R. Pritchard</i> McNees Wallace & Nurick LLC 21 East State Street, 17 th Floor Columbus, OH 43215 E-mail: sam@mwncmh.com fdarr@mwncmh.com joliker@mwncmh.com mpritchard@mwncmh.com	OMA Energy Group <i>Lisa G. McAlister</i> <i>Matthew W. Warnock</i> <i>J. Thomas Siwo</i> Bricker & Eckler, LLP 100 South Third Street Columbus, OH 43215-4291 E-mail: lmcalister@bricker.com mwarnock@bricker.com tsiwo@bricker.com
Honda of America Mfg., Inc. <i>M. Anthony Long</i> Senior Assistant Counsel Honda of America Mfg., Inc. 24000 Honda Parkway Marsyville, OH 43040 E-mail: Tony_long@ham.honda.com	Duke Energy Retail Sales, LLC <i>Amy B. Spiller, Deputy General Counsel</i> <i>Jeanne W. Kingery, Assoc. General Counsel</i> 139 East Fourth Street 1303-Main Cincinnati, OH 45202 E-mail: amy.spiller@duke-energy.com Jeanne.kingery@duke-energy.com
FirstEnergy Solutions Corp. <i>Mark A. Hayden</i> FirstEnergy Solutions Corp. 76 South Main Street Akron, OH 44308 E-mail: haydenm@firstenergycorp.com	FirstEnergy Solutions Corp. <i>James F. Lang</i> <i>Laura C. McBride</i> <i>N. Trevor Alexander</i> Calfee, Halter & Griswold LLP 1400 Keybank Center 800 Superior Avenue Cleveland, OH 44114 E-mail: jlange@calfee.com lmcbride@calfee.com talexander@calfee.com

Duke Energy Ohio, Inc. <i>Robert A. McMahon</i> Eberly McMahon LLC 2321 Kemper Lane, Suite 100 Cincinnati, OH 45206 E-mail: bmcmahon@emh-law.com	Duke Energy Ohio, Inc. <i>Elizabeth Watts</i> <i>Rocco D'Ascenzo</i> 139 East Fourth Street 1303-Main Cincinnati, OH 45202 E-mail: Elizabeth.watts@duke-energy.com Rocco.D'Ascenzo@duke-energy.com
AEP Retail Energy Partners, LLC American Electric Power Service Corp. <i>Jay E. Jadwin</i> 155 W. Nationwide Blvd., Suite 500 Columbus, OH 43215 E-mail: jejadwin@aep.com	The Ohio Energy Group <i>David F. Boehm</i> <i>Michael L. Kurtz</i> Boehm Kurtz & Lowry 36 East Seventh Street, Suite 1510 Cincinnati, OH 45202 E-mail: dboehm@BKLawfirm.com mkurtz@BKLawfirm.com
Ohio Hospital Association <i>Richard L. Sites, General Counsel</i> Ohio Hospital Association 155 East Broad Street, 15 th Floor Columbus, OH 43215 E-mail: ricks@ohanet.com	Ohio Hospital Association <i>Thomas J. O'Brien</i> Bricker & Eckler LLP 100 South Third Street Columbus, OH 43215 E-mail: tobrien@bricker.com
The Kroger Company <i>Mark Yurick</i> <i>Zachary D. Kravitz</i> Taft Stettinius & Hollister LLP 65 East State Street, Suite 1000 Columbus, OH 43215 E-mail: myurick@taftlaw.com zkravitz@taftlaw.com	Ohio Partners for Affordable Energy <i>Colleen Mooney</i> 231 West Lima Street P.O. Box 1793 Findlay, OH 45839-1793 E-mail: cmooney2@columbus.rr.com
EnerNOC, Inc. <i>Gregory J. Poulos</i> EnerNOC, Inc. 471 East Broad Street Columbus, OH 43215 E-mail: gpoulos@enernoc.com	The Dayton Power and Light Company <i>Judi L. Sobecki</i> The Dayton Power and Light Company 1065 Woodman Drive Dayton, OH 45432 E-mail: judi.sobecki@dplinc.com

<p><i>The Dayton Power and Light Company</i> <i>Charles J. Faruki</i> <i>Jeffrey S. Sharkey</i> Faruki, Ireland and Cox P.L.L. 500 Courthouse Plaza, S.W. 10 North Ludlow Street Dayton, OH 45402 E-mail: cfaruki@ficlaw.com jsharkey@ficlaw.com</p>	<p><i>Office of the Ohio Consumer's Counsel</i> <i>Joseph P. Serio</i> <i>Melissa R. Yost</i> Office of the Ohio Consumer's Counsel 10 West Broad Street, Suite 1800 Columbus, OH 43215-3485 E-mail: serio@occ.state.oh.us yost@occ.state.oh.us</p>
<p><i>Interstate Gas Supply, Inc.</i> <i>Mark A. Whitt</i> <i>Andrew J. Campbell</i> <i>Melissa J. Thompson</i> Whitt Sturtevant LLP PNC Plaza, Suite 2020 155 East Broad Street Columbus, OH 43215 E-mail: whitt@whitt-sturtevant.com Campbell@whitt-sturtevant.com Thompson@whitt-sturtevant.com</p>	<p><i>Interstate Gas Supply, Inc.</i> <i>Vincent Parisi</i> <i>Matthew White</i> Interstate Gas Supply, Inc. 6100 Emerald Parkway Dublin, OH 43016 E-mail: vparisi@igsenergy.com mwhite@igsenergy.com</p>
<p><i>Retail Energy Supply Association</i> <i>M. Howard Petricoff</i> <i>Stephen M. Howard</i> Vorys, Sater, Seymour and Pease LLP 52 East Gay Street P.O. Box 1008 Columbus, OH 43216-1008 E-mail: mhpetricoff@vorys.com smhoward@vorys.com</p>	<p><i>Ohio Environmental Council (OEC)</i> <i>Trent A. Dougherty</i> <i>Cathryn N. Loucas</i> 1207 Grandview Avenue, Suite 201 Columbus, OH 43212-3449 E-mail: trent@theoec.org cathy@theoec.org</p>
<p><i>Wal-Mart Stores East, LP / Sam's East, Inc.</i> <i>Steven M. Sherman</i> Krieg DeVault LLP One Indiana Square, Suite 2700 Indianapolis, IN 46204-2079 E-mail: ssherman@kdlegal.com</p>	<p><i>William Wright</i> Attorney General's Office Public Utilities Section 180 East Broad Street, 6th Floor Columbus, OH 43215 E-mail: William.wright@puc.state.oh.us</p>

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Summary: Motion 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