

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application Ohio Power	)	
Company for Authority to Establish a	)	Case No. 13-2385-EL-SSO
Standard Service Offer Pursuant to	)	
§4928.143, Revised Code, in the Form of an	)	
Electric Security Plan	)	

In the Matter of the Application of Ohio	)	
Power Company for Approval of Certain	)	Case No. 13-2386-EL-AAM
Accounting Authority	)	

**MOTION 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 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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Joseph M. Clark (Counsel of Record)

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**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 00-019E(6) and 00-05E(6) as a competitive retail electric service ("CRES") provider 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 Ohio Power Company's ("AEP-Ohio") service territory and, if AEP-Ohio's ESP is approved, it will affect the competitive retail electric market in its service territory. As such, Direct Energy has a real and substantial interest in this proceeding. Specifically, Direct Energy's interests include, but are not limited to, the utility-offered rate for electric generation

service, the various generation-related and non-bypassable riders proposed by AEP-Ohio, and all proposals directly impacting CRES providers such as the purchase of accounts receivable program. Therefore, the intervention is important to Direct Energy's ability to protect its business interests.

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

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Attorney 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 31 day of January, 2014 by electronic mail delivery upon the persons listed below.

/s/ Joseph M. Clark  
\_\_\_\_\_  
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Summary: Motion Motion to Intervene of Direct Energy Services, LLC and Direct Energy Business, LLC electronically filed by Ms. Marissa J. Bach on behalf of Bach, Marissa J Ms. and Mr. Joseph Clark