

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Seeking	)	
Approval of Ohio Power Company's	)	
Proposal to Enter into an Affiliate Power	)	Case No. 14-1693-EL-RDR
Purchase Agreement for Inclusion in the	)	
Power Purchase Agreement Rider	)	

In the Matter of the Application of Ohio	)	
Power Company for Approval of Certain	)	Case No. 14-1694-EL-AAM
Accounting Authority	)	

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

Pursuant to Section 4903.221, Revised Code and Rule 4901-1-11 of the Ohio Administrative Code, Direct Energy Services, LLC, Direct Energy Business, LLC, and Direct Energy Business Marketing, 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, Direct Energy Business, LLC, and Direct Energy Business Marketing, LLC be made a full party of record.

Respectfully Submitted,

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MEMORANDUM IN SUPPORT OF THE MOTION TO INTERVENE OF  
DIRECT ENERGY SERVICES, LLC,  
DIRECT ENERGY BUSINESS, LLC,  
AND DIRECT ENERGY BUSINESS MARKETING, 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(7), 00-05E(7), 13-707E(1) 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. Direct Energy has a real and substantial interest in this proceeding. Specifically, Direct Energy's interests include, but are not limited to, the potential impact of approval of the power purchase

agreements on the Ohio retail electricity marketplace. The Commission also granted Direct Energy's Motion to Intervene in AEP-Ohio's last electric security plan in Case Nos. 13-2385-EL-SSO and 13-2386-EL-AAM in which AEP-Ohio proposed the initial purchase power agreement rider.

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

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## **CERTIFICATE OF SERVICE**

In accordance with Rule 4901-1-05, Ohio Administrative Code, the PUCO's e-filing system will electronically serve notice of the filing of this document on the following parties. In addition, I hereby certify that a service copy of the foregoing *Motion to Intervene of Direct Energy Services, LLC, Direct Energy Business, LLC and Direct Energy Business Marketing, LLC* was sent by, or on behalf of, the undersigned counsel to the following parties of record this 30<sup>th</sup> day of October 2014 via e-mail.

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Summary: Motion to Intervene electronically filed by JOSEPH CLARK on behalf of Direct Energy Services, LLC and Direct Energy Business, LLC and Direct Energy Business Marketing, LLC