

**rBEFORE**  
**THE PUBLIC UTILITIES COMMISSION OF OHIO**

|                                     |   |                        |
|-------------------------------------|---|------------------------|
| In the Matter of the Application    | ) |                        |
| of Ohio Power Company to Update Its | ) | Case No. 14-192-EL-RDR |
| gridSMART Rider Rates.              | ) |                        |
|                                     | ) |                        |

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

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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 such that Direct Energy Services, LLC and Direct Energy Business, LLC be made a full party of record.

Respectfully Submitted,

/s/ Jennifer L. Spinosi

Jennifer L. Spinosi

Joseph M. Clark

21 E. State St.

Suite 1950

Columbus, OH 43215

Tel. (614) 220- 4369 ext. 221

Fax (614) 220-4674

[jennifer.spinosi@directenergy.com](mailto:jennifer.spinosi@directenergy.com)

[joseph.clark@directenergy.com](mailto:joseph.clark@directenergy.com)

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

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

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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 supply ("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 the Ohio Power service territory. Further, Direct Energy requested and was granted intervention in similar dockets related to a utility's investment and recovery of costs

associated with smart grid infrastructure.<sup>1</sup> Direct Energy has a real and substantial interest in this proceeding.

As a CRES provider in Ohio Power's service territory, Direct Energy has 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 individual interest in this proceeding cannot be adequately 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/ Jennifer L. Spinosi

Jennifer L. Spinosi

Joseph M. Clark

21 E. State St.

Suite 1950

Columbus, OH 43215

Tel. (614) 220- 4369 ext. 221

Fax (614) 220-4674

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

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<sup>1</sup> See Duke Energy Ohio's adjustment of Rider DR-IM and Rider AU, Docket Nos. 13-1141-GE-RDR and 14-1051-GE-RDR

### **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 and Direct Energy Business was sent by, or on behalf of, the undersigned counsel to the following parties of record this 6<sup>th</sup> day of January, 2015 via email, except those specifically designated as being served via U.S. Mail.

/s/ Jennifer L. Spinosi

Jennifer L. Spinosi

American Electric Power Service Corp. ([stnourse@aep.com](mailto:stnourse@aep.com), [mjsatterwhite@aep.com](mailto:mjsatterwhite@aep.com), [yalami@aep.com](mailto:yalami@aep.com))

PUCO Staff ([ryan.orourke@puc.state.oh.us](mailto:ryan.orourke@puc.state.oh.us), [william.wright@puc.state.oh.us](mailto:william.wright@puc.state.oh.us))

Ohio Consumers' Counsel ([terry.etter@occ.ohio.gov](mailto:terry.etter@occ.ohio.gov))

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