

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

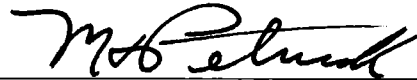
**In the Matter of the Application of Duke )  
Energy Ohio, Inc. for Approval of Changes to ) Case No. 14-2128-EL-UNC  
its Bill Format )**

**MOTION TO INTERVENE OF  
THE RETAIL ENERGY SUPPLY ASSOCIATION**

Now comes the Retail Energy Supply Association (“RESA”)<sup>1</sup> who, pursuant to Section 4903.221, Revised Code, and Rule 4901-1-11, Ohio Administrative Code, moves for intervention in the above-styled proceeding as a full party of record. The reasons supporting the motion are set forth in the accompanying Memorandum in Support.

WHEREFORE, RESA respectfully requests that the Public Utilities Commission of Ohio grant this motion to intervene and make RESA a full party of record.

Respectfully Submitted,



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<sup>1</sup> RESA’s members include: AEP Energy, Inc.; Champion Energy Services, LLC; Consolidated Edison Solutions, Inc.; Constellation NewEnergy, Inc.; Direct Energy Services, LLC; Dynegy Energy Services; GDF SUEZ Energy Resources NA, Inc.; IDT Energy, Inc.; Interstate Gas Supply, Inc. dba IGS Energy; Just Energy; Liberty Power; MC Squared Energy Services, LLC; Mint Energy, LLC; NextEra Energy Services; Noble Americas Energy Solutions LLC; Nordic Energy Services, LLC; NRG Energy, Inc.; PPL EnergyPlus, LLC; Stream Energy; TransCanada Power Marketing Ltd. and TriEagle Energy, L.P. The comments expressed in this filing represent the position of RESA as an organization but may not represent the views of any particular member of RESA.

## **MEMORANDUM IN SUPPORT**

Section 4903.221, Revised Code and Rule 4901-1-11, Ohio Administrative Code, establish the standard for intervention in the above-styled proceeding as a full party of record.

Rule 4901-1-11, 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 ("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 Section 4903.221(B), Revised Code, upon which the above rule is authorized). A review of these factors in light of following facts supports granting RESA's intervention.

RESA is a broad and diverse group of retail energy suppliers who share the common vision that competitive retail energy markets deliver a more efficient, customer-oriented outcome than a regulated utility structure. Several RESA members are certificated as competitive retail electric service ("CRES") providers and active in the Ohio retail electric markets providing service to residential, commercial, industrial and governmental customers. In addition, some of RESA's members currently provide CRES to retail customers in the service area of Duke Energy Ohio, Inc. ("Duke").

On March 26, 2014, in Case No. 12-3151-EL-COI, the Commission directed the electric distribution utilities (“EDUs”) to modify the format of their bills to (a) standardize the price-to-compare language and (b) include CRES provider logos.<sup>2</sup> RESA participated in Case No. 12-3151-EL-COI and in the related Market Development Working Group at which possible price-to-compare language and mock-ups of the EDUs’ bills were presented and discussed.

On November 21, 2014, Duke filed an application in this case to modify its bill format in accordance with the Commission’s decision in Case No. 12-3151-EL-COI. Duke attached sample bills to the application. Automatic approval of Duke’s application was suspended by Examiner Entry issued on January 5, 2015. On January 20, 2015, Duke filed an amended application with further modified sample bills. Duke also noted in its amended application that it will seek a deferral for the costs.

RESA’s members have existing and potential business interests in the State that will be affected by the outcome of this proceeding. RESA’s members consist of CRES suppliers who are affected by the changes in the format of the bills that CRES suppliers’ customers will receive. The Commission’s decision in Case No. 12-3151-EL-COI made several specific rulings and RESA seeks to participate in this matter to ensure compliance with those prior rulings. Moreover, RESA seeks to intervene in this case to protect the development of retail electric competition in the Duke service territory and to protect the interests of its CRES supplier-members.

RESA has real and substantial interests in this proceeding. Moreover, RESA will contribute to a just and expeditious resolution of the issues involved, and will not unduly the

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<sup>2</sup> *In the Matter of the Commission’s Investigation of Ohio’s Retail Electric Service Market*, Case No. 12-3151-EL-COI, Finding and Order at 28-31(March 26, 2014) and Entry on Rehearing at 9-16 (May 21, 2014).

proceeding. Also, no existing party adequately represents RESA's interests. As a result, RESA's request to intervene in this proceeding should be granted.

WHEREFORE, RESA respectfully requests that the Commission grant this motion to intervene and RESA be made a full party of record.

Respectfully Submitted,



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### **CERTIFICATE OF SERVICE**

The Public Utilities Commission of Ohio's e-filing system will electronically serve notice of the filing of this document on the parties referenced on the service list of the docket card who have electronically subscribed to the case. In addition, the undersigned hereby certifies that a copy of the foregoing document is also being served (via electronic mail) on the 23<sup>rd</sup> day of February 2015 upon the persons listed below.



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Summary: Motion Motion to Intervene electronically filed by M HOWARD PETRICOFF on behalf of Retail Energy Supply Association