

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application to Modify, in :
Accordance with Section 4929.08, Revised Code, : Case No. 12-1842-GA-EXM
the Exemption Granted to The East Ohio Gas :
Company d/b/a Dominion Energy Ohio :

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

Pursuant to Section 4903.221 of the Ohio Revised Code, R.C. 4903.221, and Rule 4901-1-11 of the Ohio Administrative Code, Ohio Admin. Code 4901-1-11, Direct Energy Services, LLC and Direct Energy Business Marketing, LLC (collectively, “Direct Energy”) moves for intervention in the above-captioned 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 Public Utilities Commission of Ohio (“PUCO”) grant this Motion to Intervene such that Direct Energy be made a full party of record.

Respectfully submitted,

/s/ Scott R. Dismukes

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Date: March 23, 2018

Counsel for Direct Energy Services, LLC and
Direct Energy Business Marketing, LLC

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

Direct Energy Business Marketing, LLC and Direct Energy Services, LLC (collectively, “Direct Energy”) hereby files this Memorandum in Support of its Motion to Intervene in the above-captioned proceeding. In support of its Motion to Intervene, Direct Energy provides the following:

Section 4903.221 of the Ohio Revised Code and Rule 4901-1-11 of the Ohio Administrative Code establish the standard for intervention in a PUCO proceeding. Specifically, Rule 4901-1-11 of the Ohio Administrative Code provides, 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.

Ohio Admin. Code 4901-1-11.

Additionally, PUCO considers the following factors determining whether to permit intervention: 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. Ohio Admin. Code 4901-1-11; R.C. 4903.221.

Direct Energy is one of the largest competitive retail providers of electricity, natural gas and home services in North America, with nearly 6 million customer relationships, multiple brands and roughly 6,000 employees. As a CRNGS provider in Ohio, Direct Energy holds Certificate Nos. 02-024G(8) and 13-303G(3) from PUCO, allowing Direct Energy to engage in the competitive sale of natural gas service to retail customers in Ohio. Direct Energy currently provides service to retail natural gas customers in Dominion's service territory. Direct Energy was a signatory party to the stipulation approved in the May 26, 2006 Order.¹ Additionally, Direct Energy was also a participating member of OGMG, which was a signatory party to the stipulation(s) that is now being challenged by the Office of the Ohio Consumers' Counsel ("OCC") in this proceeding.² In support of its Memorandum Contra, Direct Energy provides the following:

As a certified retail natural gas supplier in Ohio, Direct Energy has a substantial and direct interest in the outcome of this proceeding and the pending Application to Modify the Exemption Granted to The East Ohio Gas Company d/b/a Dominion Energy Ohio submitted by the OCC on March 9, 2018. Direct Energy submits that the structure established for choice-eligible, residential customers, including the Monthly Variable Rate provisions, have fostered effective competition. Moreover, OCC's request would be unfair to suppliers, including Direct Energy, who have already expended funds to make their systems compatible with the structure established for choice-eligible, residential customers, including the Monthly Variable Rate

¹ In the Matter of the Application of the East Ohio Gas Company d/b/a Dominion East Ohio for Approval of a Plan to Restructure Its Commodity Service Function, Case No. 05-474-GA-ATA, Opinion and Order at 1 (May 26, 2006) (May 26, 2006 Order).

² In the Matter of the Application of the East Ohio Gas Company d/b/a Dominion East Ohio for Approval of a General Exemption of Certain Natural Gas Commodity Sales Services or Ancillary Services, Case No. 07-1224-GA-EXM, Opinion and Order (June 18, 2008) (June 18, 2008 Order); In the Matter of the Application to Modify, in Accordance with Section 4929.08, Revised Code, the Exemption Granted to The East Ohio Gas Company d/b/a Dominion East Ohio in Case No. 07-1224-GA-EXM, Case No. 12-1842-GA-EXM, Opinion and Order (January 9, 2013) (January 9, 2013 Order).

provision. It is critical that Direct Energy be granted party status in this proceeding so that it can adequately guard against being placed at a competitive disadvantage relative to the regulated public utility.

To the best of Direct Energy's knowledge, no other parties to this case will adequately represent its interest in this proceeding. Direct Energy has a unique business model and its interests and perspective are unique. Moreover, Direct Energy's intervention in this proceeding will not result in a delay in having the matter timely adjudicated.

Fundamental fairness and due process considerations require that Direct Energy be afforded an opportunity to fully participate as an intervenor in this proceeding, due to its substantial and direct interests in the outcome of this proceeding.

III. CONCLUSION

On the basis of the foregoing, Direct Energy Services, LLC and Direct Energy Business Marketing, LLC respectfully request that the Public Utilities Commission of Ohio grant this Motion to Intervene so that it may have full party status as an intervenor in this proceeding. Direct Energy has interests in this proceeding that will be substantially and directed affected by the outcome of this proceeding, its interests are sufficiently different from that of any party so as

to add measurably and constructively to the scope of the case, and Direct Energy's Motion is timely and will not delay or otherwise disrupt the adjudication of this proceeding.

Respectfully submitted,

/s/ Scott R. Dismukes

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Date: March 23, 2018

Counsel for Direct Energy Services, LLC and Direct
Energy Business Marketing, LLC

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion to Intervene and Memorandum in Support of the Motion to Intervene was served via electronic transmission upon the parties this 23rd day of March 2018.

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Summary: Motion Motion to Intervene of Direct Energy electronically filed by Mr. Scott R. Dismukes on behalf of Eckert Seamans Cherin & Mellott, LLC