

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Motion to Modify the	:	
Exemption Granted to The East Ohio Gas	:	Case No. 18-1419-GA-EXM
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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Sarah Stoner, Esquire

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Date: September 27, 2019

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

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**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 Public Utilities Commission of Ohio (“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 in 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. As a competitive retail natural gas service ("CRNGS") provider in Ohio, Direct Energy holds Certificate Nos. 02-024G(9) and 13-303G(4) 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 The East Ohio Gas Company d/b/a Dominion Energy Ohio's ("Dominion") service territory. In support of its Memorandum Contra, Direct Energy provides the following:

In September 2018, Ohio Partners for Affordable Energy ("OPAE") filed a motion in this proceeding to modify an exemption granted to Dominion which: (1) allowed Dominion to discontinue the availability of its Standard Choice Offer ("SCO"); and (2) resulted in non-shopping customers receiving commodity service from a CRNGS supplier on a rotating list maintained by Dominion pursuant to the CRNGS supplier's monthly variable rate ("MVR"). OPAE requests that the PUCO eliminate the MVR and re-establish the SCO as the default service for residential and non-residential customers.¹

The Commission's determination in this matter will impact the competitive market in Dominion's service territory. As a CRNGS supplier serving customers in Dominion's service territory and as a participant in Dominion's MVR program, Direct Energy has a substantial and

¹ OPAE Motion to Modify the Exemption Granted to the East Ohio Gas Company d/b/a Dominion East Ohio by Re-Establishing the Availability of the Standard Choice Offer for All Dominion East Ohio Customers, filed September 14, 2018.

direct interest in the outcome of this proceeding.² Consequently, it is critical that Direct Energy be granted party status in this proceeding as any modifications to the MVR program will impact Direct Energy and its customers.

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.

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

² Direct Energy participated in PUCO Case No. 12-1842-GA-EXM, in which the OP&E and OCC filed separate motions asking the Commission to re-establish the SCO. OP&E and OCC were directed to re-file their motions in this docket. On September 14, 2018, OP&E filed a motion seeking broader relief than it initially requested.

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: September 27, 2019

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

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Motion to Intervene and Memorandum in Support was filed electronically through the Docketing Information System of the Public Utilities Commission of Ohio and that a courtesy copy was emailed to the persons listed below this 27th day of September 2019.

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Date: September 27, 2019

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Case No(s). 18-1419-GA-EXM

Summary: Motion MOTION TO INTERVENE AND MEMORANDUM IN SUPPORT OF MOTION TO INTERVENE electronically filed by Mr. Scott R. Dismukes on behalf of Eckert Seamans Cherin & Mellott, LLC and Clearfield, Daniel Mr. and Stoner, Sarah Ms.