

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Ohio)	
Edison Company, The Cleveland Electric)	
Illuminating Company and the Toledo)	
Edison Company for Authority to Provide)	Case No. 12-1230-EL-SSO
for a Standard Service Offer Pursuant to)	
R.C. § 4928.143 in the Form of an Electric)	
Security Plan)	

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

Pursuant to Section 4903.221 of the Ohio Revised Code (“R.C.”) and Rule 4901-1-11 of the Ohio Administrative Code (“O.A.C.”), 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 for leave to intervene and that Direct Energy Services, LLC and Direct Energy Business, LLC be made a full party of record.

Respectfully Submitted,

/s/ Joseph M. Clark

Joseph M. Clark

Counsel of Record

6641 North High Street, Suite 200

Worthington, Ohio 43085

Tel. (614) 781-1896

Fax (812) 492-9275

jmclark@vectren.com

Asim Z. Haque (0081880)

Direct Dial: (614) 462-1072

E-mail: Asim.Haque@icemiller.com

Christopher L. Miller (0063259)

Gregory H. Dunn (0007353)

Alan G. Starkoff (0003286)

Ice Miller LLP

250 West Street

Columbus, Ohio 43215

(614) 462-2700 (Main Number)

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

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

R.C. § 4903.221 and O.A.C. 4901-1-11 establish the standard for intervention in the above-styled proceeding as a full party of record.

O.A.C. 4901-1-11 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 00-019(5) and 00-0005(5) as a competitive retail electric supplier ("CRES") from the Commission to engage in the competitive sale of electric service to retail customers in Ohio. Direct Energy has a real and substantial interest in this proceeding. Specifically, Direct Energy has a significant interest in several parts of the Application and Stipulation and Recommendation ("Stipulation") filed by Ohio Edison Company, The Cleveland Electric Illuminating Company and the Toledo Edison Company (collectively, "FirstEnergy" or "Companies"), including but not limited to, the continuation of the auction structure for pricing default standard service offer ("SSO") energy supply and the lengthened bid period, the proposed changes affecting the alternative energy rider, and the plan by FirstEnergy to bid in capacity resources into the PJM Interconnection, LLC ("PJM") base residual auction ("BRA") for the 2015-2016 planning year.

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 First Energy's 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 for leave to intervene and that it be made a full party of record.

Respectfully Submitted,

/s/ Joseph M. Clark

Joseph M. Clark

Counsel of Record

6641 North High Street, Suite 200

Worthington, Ohio 43085

Tel. (614) 781-1896

Fax (812) 492-9275

jmclark@vectren.com

Asim Z. Haque (0081880)

Direct Dial: (614) 462-1072

E-mail: Asim.Haque@icemiller.com

Christopher L. Miller (0063259)

Gregory H. Dunn (0007353)

Alan G. Starkoff (0003286)

Ice Miller LLP

250 West Street

Columbus, Ohio 43215

(614) 462-2700 (Main Number)

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

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Motion For Leave to Intervene of Direct Energy Services, LLC and Direct Energy Business, LLC was served upon the parties of record listed below this 18th day of April, 2012 via electronic mail.

/s/ Joseph M. Clark

Joseph M. Clark

<p>Public Utilities Commission of Ohio <i>Robert Fortney</i> <i>Tammy Turkenton</i> 180 East Broad Street, 3rd Floor Columbus, OH 43215 E-Mail: Robert.fortney@puc.state.oh.us Tammy.turkenton@puc.state.oh.us</p>	<p>Ohio Energy Group (OEG) <i>Michael K. Kurtz</i> <i>David F. Boehm</i> <i>Kurt J. Boehm</i> Boehm, Kurtz & Lowry 36 East Seventh Street, Suite 1510 Cincinnati, OH 45202 E-Mail: mkurtz@BKLLawfirm.com dboehm@BKLLawfirm.com</p>
<p><i>Duane W. Luckey</i> <i>Thomas McNamee</i> <i>William L. Wright</i> Asst. Attorneys General Public Utilities Section 180 East Broad Street, 6th Floor Columbus, OH 43215 E-mail: duane.luckey@puc.state.oh.us Thomas.mcnamee@puc.state.oh.us William.wright@puc.state.oh.us</p>	<p>Ohio Consumers' Counsel <i>Larry S. Sauer, Counsel of Record</i> <i>Terry L. Etter</i> <i>Melissa Yost</i> Ohio Consumers' Counsel 10 West Broad Street, Suite 1800 Columbus, OH 43215-3485 E-Mail: sauer@occ.state.oh.us etter@occ.state.oh.us yost@occ.state.oh.us</p>
<p>Kroger Co. <i>John W. Bentine</i> <i>Mark S. Yurick</i> <i>Matthew S. White</i> Chester Wilcox & Saxbe, LLP 65 East State Street, Suite 1000 Columbus, OH 43215 E-mail: jbentine@cwslaw.com myurick@cwslaw.com mwhite@cwslaw.com</p>	<p>Ohio Environmental Council <i>Barth E. Royer</i> <i>Nolan Moser</i> <i>Trent A. Dougherty</i> Bell & Royer, LPA 33 South Grant Avenue Columbus, OH 43215 Email: barthroyer@aol.com nmoser@theoec.org trent@theoec.org</p>

<p>Industrial Energy Users (IEU) <i>Samuel C. Randazzo</i> <i>Daniel J. Neilsen</i> McNees Wallace & Nurick LLC 21 East State Street, 17th Floor Columbus, OH 43215 E-mail: sam@mwncmh.com</p>	<p>Northwest Ohio Aggregation Coalition (NOAC) Toledo <i>Leslie A. Kovacik</i> 420 Madison Avenue, Suite 100 Toledo, OH 43604-1219 Phone: 419-245-1893 Fax: 419-245-1853 E-mail: leslie.kovacik@toledo.oh.gov</p>
<p>Ohio Partners for Affordable Energy <i>Colleen L. Mooney</i> 231 West Lima Street Findlay, OH 45839-1793 E-mail: Cmooney2@columbus.rr.com</p>	<p>Constellation Energy Commodities Group, Inc. and Constellation NewEnergy, Inc. <i>M. Howard Petricoff</i> <i>Stephen M. Howard</i> Vorys, Sater, Seymore and Pease, LLP 52 East Gay Street P.O. Box 1008 Columbus, OH 43216-1008 E-Mail: mhpetricoff@vorys.com</p>
<p>Nucor Steel Marion, Inc. <i>Garrett A. Stone</i> <i>Michael K. Lavanga</i> Brickfield, Burchette, Ritts & Stone 1025 Thomas Jefferson Street, NW Eighth Floor, West Tower Washington, DC 20007-5201 E-mail: gas@bbrslaw.com mkl@bbrslaw.com</p>	<p><i>Cynthia A. Brady</i> <i>David I. Fein</i> Constellation Energy Resources, LLC 550 West Washington Blvd., Suite 300 Chicago, IL 60661</p>
<p>Ohio Hospital Association <i>Richard L. Sites</i> 155 E. Broad Street, 15th Floor Columbus, OH 43215-3620 Phone: (614) 221-7614 E-mail: ricks@ohanet.org</p>	<p>The Ohio Manufacturers' Association <i>Thomas J. O'Brien</i> Bricker & Eckler LLP 100 South Third Street Columbus, OH 43215 E-mail: tobrien@bricker.com</p>
<p>Material Sciences Corporation <i>Craig I. Smith</i> 2824 Conventry Road Cleveland, OH 44120 Phone: (216) 561-9410 E-mail: wis29@yahoo.com</p>	<p><i>Kevin Schmidt</i> The Ohio Manufacturers' Association 33 North High Street Columbus, OH 43215-3005 E-mail: kschmidt@ohiomfg.com</p>

<p>Neighborhood Environmental Coalition, Consumers for Fair Utility Rates, United Clevelanders Against Poverty, Cleveland Housing Network, The Empowerment Center of Greater Cleveland (Citizens Coalition) <i>Joseph P. Meissner</i> The Legal Aid Society of Cleveland 1223 West 6th Street Cleveland, OH 44113 Phone: (216) 687-1900 E-mail: jpmeissn@lascleve.org</p>	<p>The City of Cleveland <i>Robert J. Triozzi</i> <i>Steven L. Beeler</i> City of Cleveland Dept. of Law 601 Lakeside Avenue, Room 106 Cleveland, OH 44114 E-mail: rtriozzi@city.cleveland.oh.us sbeeler@city.cleveland.oh.us</p>
<p>GEXA Energy – Ohio, LLC <i>Dane Stinson</i> Bailey Cavalieri LLC 10 West Broad Street, Suite 2100 Columbus, OH 43215 E-mail: Dane.Stinson@BaileyCavalieri.com</p>	<p>Citizen Power <i>Theodore S. Robinson</i> 2121 Murray Avenue Pittsburgh, PA 15217 E-mail: robinson@citizenpower.com</p>
<p>Ohio Schools Council <i>Glenn S. Krassen</i> <i>Matthew W. Warnock</i> Bricker & Eckler LLP 1375 E. 9th Street, Suite 1500 Cleveland, OH 44114 E-mail: gkrassen@bricker.com mwarnock@bricker.com</p>	<p>NOPEC <i>Glenn S. Krassen</i> <i>Matthew W. Warnock</i> Bricker & Eckler LLP 1375 E. 9th Street, Suite 1500 Cleveland, OH 44114 E-mail: gkrassen@bricker.com mwarnock@bricker.com</p>
<p>Morgan Stanley Capital Group Inc. <i>Gregory K. Lawrence</i> Cadwalader, Wickersham & Taft LLP One World Financial Center New York, NY 10281 E-mail: greg.lawrence@cwt.com</p>	<p>Natural Resources Defense Council <i>Henry W. Eckhart</i> 50 West Broad Street, #2117 Columbus, OH 43215 E-mail: henryeckhart@aol.com</p>
<p>Duke Energy Ohio <i>Amy Spiller</i> Duke Energy Business Services, Inc. 221 East Fourth Street, 25th Floor Cincinnati, OH 45202 E-mail: amy.spiller@duke-energy.com</p>	<p>Duke Energy Retail Sales, LLC <i>Michael D. Dortch</i> Kravitz, Brown & Dortch LLC 63 East State Street, Suite 200 Columbus, OH 43215 E-mail: mdortch@kravitzllc.com</p>

<p>PJM Power Providers Group <i>M. Howard Petricoff</i> <i>Stephen M. Howard</i> Vorys, Sater, Seymore and Pease, LLP 52 East Gay Street P.O. Box 1008 Columbus, OH 43216-1008 E-Mail: mhpetricoff@vorys.com showard@vorys.com</p>	<p>FirstEnergy Solutions <i>Morgan Parke</i> FirstEnergy Service Company 76 South Main Street Akron, OH 44308 E-mail: mparke@firstenergycorp.com</p>
<p>Environmental Law and Policy Center <i>Robert Kelter</i> 35 East Wacker Drive, Suite 1600 Chicago, IL 60601 E-mail: rkelter@elpc.org</p>	<p>Natural Resources Defense Council <i>Christopher J. Allwein</i> Williams Allwein & Moser, L.L.C. 1373 Grandview Avenue, Suite 212 Columbus, OH 43212 E-mail: callwein@wamenergylaw.com</p>
<p>Northwest Ohio Aggregation Coalition <i>Thomas R. Hays</i> <i>John Borell</i> Lucas County Prosecutors Office 700 Adams Street, Suite 251 Toledo, OH 43604 E-mail: trhayslaw@gmail.com jaborell@co.lucas.oh.us</p>	<p>Ohio Edison Company, The Cleveland Electric Illuminating Company and The Toledo Edison Company <i>David A. Kutik</i> Jones Day 901 Lakeside Avenue Cleveland, OH 44114</p>
<p>Exelon Generation Company, LLC and Constellation NewEnergy, Inc. <i>M. Howard Petricoff</i> Vorys, Sater, Seymour and Pease LLP 52 East Gay Street P.O. Box 1008 Columbus, OH 43216-1008 E-mail: mhpetricoff@vssp.com</p>	<p>Ohio Edison Company, The Cleveland Electric Illuminating Company and The Toledo Edison Company <i>James F. Lang</i> <i>Laura C. McBride</i> Calfee, Halter & Griswold LLP 1405 East Sixth Street Cleveland, OH 44114 E-mail: klang@calfee.com lmcbride@calfee.com</p>

Interstate Gas Supply, Inc.

Vincent Parisi

Matthew White

Interstate Gas Supply, Inc.

6100 Emerald Parkway

Dublin, OH 43016

E-mail: vparisi@igsenergy.com

mwhite@igsenergy.com

James W. Burk

Arthur E. Korkosz

Mark A. Hayden

Ebony L. Miller

FirstEnergy Service Company

76 south Main Street

Akron, OH 44308

E-mail: burkj@firstenergycorp.com

hayden@firstenergycorp.com

korkosza@firstenergycorp.com

elmiller@firstenergycorp.com

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Summary: Motion For Leave to Intervene of Direct Energy Services, LLC and Direct Energy Business, LLC electronically filed by Mr. Asim Z. Haque on behalf of Direct Energy Services, LLC and Direct Energy Business, LLC