

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Joint Motion to Modify	)	
the June 18, 2008 Opinion and Order in	)	Case No. 12-1842-GA-EXM
Case No. 07-1224-GA-EXM	)	

**MOTION FOR LEAVE 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 of the Ohio Administrative Code, moves for intervention in the above styled proceeding as a full party of record. RESA intends to support and work in conjunction with the Ohio Gas Marketers Group. The reasons supporting the intervention are contained in the accompanying Memorandum in Support.

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

Respectfully Submitted,



---

M. Howard Petricoff (0008287)  
Stephen M. Howard (0022421)  
VORYS, SATER, SEYMOUR AND PEASE LLP  
52 East Gay Street  
Columbus, Ohio 43216-1008  
Tel. (614) 464-5414  
Fax (614) 464-6350  
[mhpetricoff@vorys.com](mailto:mhpetricoff@vorys.com)  
[smhoward@vorys.com](mailto:smhoward@vorys.com)

Attorneys for the Retail Energy Supply Association

---

<sup>1</sup> RESA's members include: Champion Energy Services, LLC; ConEdison *Solutions*; Constellation NewEnergy, Inc.; Direct Energy Services, LLC; Energy Plus Holdings, LLC; Exelon Energy Company; GDF SUEZ Energy Resources NA, Inc.; Green Mountain Energy Company; Hess Corporation; Integrys Energy Services, Inc.; Just Energy; Liberty Power; MXenergy; NextEra Energy Services; Noble Americas Energy Solutions LLC; PPL EnergyPlus; Reliant Energy Northeast LLC 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 OF  
THE MOTION TO INTERVENE OF  
THE RETAIL ENERGY SUPPLY ASSOCIATION**

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 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 regulated utility structure. Several RESA members are certificated as competitive retail natural gas service providers and are active in the Ohio retail natural gas markets providing service to residential, commercial, industrial and governmental customers.

On June 15, 2012, Dominion East Ohio and the Ohio Gas Marketers Group (“Marketers”) filed a motion to modify the exemption pursuant to Section 4929.08, Revised Code, to allow DEO to discontinue the availability of its SCO to choice-eligible non-residential customers beginning in April 2013. In its definition of non-residential customers, DEO includes General Sales Service – Non-Residential, Large Volume General Sales Service, Energy Choice Transportation Service – Non-Residential and Large Volume Energy Choice Transportation Service Customers. The Joint Movants propose that non-residential customers receive commodity service from the next available competitive retail natural gas supplier (CRNGS) on a rotating list maintained by DEO pursuant to the CRNGS’s applicable monthly variable rate. Along with the joint motion, DEO and the Marketers also filed a stipulation and recommendation filed by DEO, the Marketers, and the Ohio Consumers’ Counsel.

RESA’s members have existing and potential business interests in the State that will be affected by the outcome of the proceeding. The Commission’s decision in this matter will affect RESA’s members to the extent they provide service in the DEO service area. RESA supports the Joint Movants and states that it will be working in conjunction with the Ohio Gas Marketers Group.

This motion to intervene meets the August 30, 2012 deadline established by the Attorney Examiner’s Entry of July 27, 2012.

WHEREFORE, the Retail Energy Supply Association respectfully requests that the Commission grant this motion for leave to intervene and that RESA be made a full party of record.

Respectfully Submitted,



---

M. Howard Petricoff (0008287)  
Stephen M. Howard (0022421)  
VORYS, SATER, SEYMOUR AND PEASE LLP  
52 East Gay Street  
P.O. Box 1008  
Columbus, Ohio 43216-1008  
Tel. (614) 464-5414  
Fax (614) 464-6350  
[mhpetricoff@vorys.com](mailto:mhpetricoff@vorys.com)  
[smhoward@vorys.com](mailto:smhoward@vorys.com)

Attorneys for the Retail Energy Supply Association

## CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of the foregoing document was served this 30<sup>th</sup> day of August, 2012 by electronic mail.



---

M. Howard Petricoff

Stephen.reilly@puc.state.oh.us  
Devin.parram@puc.state.oh.us  
serio@occ.state.oh.us  
sauer@occ.state.oh.us  
barthroyer@aol.com  
cmooney2@columbus.rr.com  
sam@mwncmh.com  
joliker@mwncmh.com  
fdarr@mwncmh.com  
cgoodman@energymarketers.com  
tobrien@bricker.com  
whitt@whitt-sturtevant.com  
Campbell@whitt-sturtevant.com  
Thompson@whitt-sturtevant.com  
Joseph.clark@directenergy.com

**This foregoing document was electronically filed with the Public Utilities**

**Commission of Ohio Docketing Information System on**

**8/30/2012 4:29:35 PM**

**in**

**Case No(s). 12-1842-GA-EXM**

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