

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

**In the Matter of the Commission's )  
Investigation of Ohio's Retail Electric )  
Service Market. )**

**Case No. 12-3151-EL-COI**

**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. 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,



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<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 responses 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 electric service providers and active in the Ohio retail electric and natural gas markets providing service to residential, commercial, industrial and governmental customers.

In the Commission's December 12th Order in the matter at bar, the Commission initiated an investigation into the health/strength/vitality of Ohio's retail electric service market and actions that the Commission may take to enhance the health/strength/vitality of that market; and in so doing, mitigate, among other things, the potential impact of capacity constraints on Ohio ratepayers. Further, the Commission requested comments on regarding the extent to which barriers may exist to a consumer's means to choose a retail electric service that meets their needs.

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 may affect the viability of the competitive retail electric market in Ohio, in which some of the RESA members provide electric power and other products and services to retail service customers.

This motion to intervene precedes any intervention deadlines including submission of the initial responses and therefore should not unduly delay this proceeding.

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,

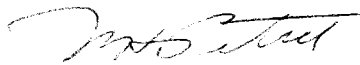


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## **CERTIFICATE OF SERVICE**

I certify that a true and accurate copy of the foregoing document was served by electronic mail this 30 day of January, 2013 upon the persons listed below.



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