

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

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

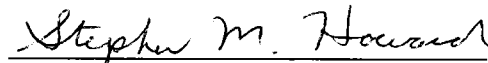
Case No. 12-3151-EL-COI

**MOTION FOR LEAVE TO INTERVENE OF
NRG ENERGY, INC.**

NRG Energy, Inc. (NRG) 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, NRG respectfully requests that the Commission grant this motion for leave to intervene and that NRG be made a full party of record.

Respectfully Submitted,



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**MEMORANDUM IN SUPPORT OF
THE MOTION TO INTERVENE OF
NRG ENERGY, INC.**

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 the following facts supports granting NRG's intervention.

NRG is a Fortune 300 company and is one of the nation's largest, most diverse power companies with over 47,000 MW of generation, including generation in Ohio. NRG indirectly owns and operates a 750 MW generating facility located in Avon Lake, Ohio. Additionally, Green Mountain Energy Company (Green Mountain), Reliant Energy Northeast LLC (Reliant), and Energy Plus Holding LLC (Energy Plus and collectively, the "Retail Entities") are wholly owned subsidiaries of NRG. NRG's retail energy providers, along with the company's thermal

energy division, serve more than 2,000,000 residential, business, commercial, and industrial customers in 16 states, including Ohio and the District of Columbia.

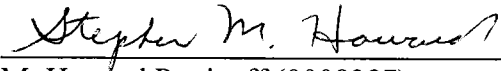
In the Commission's December 12, 2012 Entry, the Commission initiated an investigation into the health/strength/vitality of Ohio's retail electric service market and wholesale market. The Commission is analyzing the actions that it may take to enhance the health/strength/vitality of that its markets. In so doing, the Commission is, among other things, seeking to mitigate the potential impact of capacity constraints on Ohio ratepayers. In this light, the Commission requested comments on the extent to which barriers may exist to a consumer's means to choose a retail electric service that meets those needs. Additionally, the Commission sought feedback on the information an electric utility should be required to disclose to the Commission in the event of plant retirements and involving capacity auctions and transmission projects. Further, the Commission requested comments on corporate separation, injection right retention and the mitigation of market power.

NRG has 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 Ohio's wholesale power market in which NRG participates and the viability of the competitive retail electric market in Ohio, in which NRG provides products and services to retail energy customers.

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

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

Respectfully Submitted,

A handwritten signature in cursive script that reads "Stephen M. Howard". The signature is written in dark ink and is positioned above a horizontal line.

M. Howard Petricoff (0008287)

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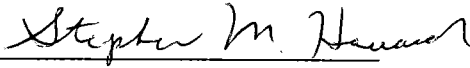
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CERTIFICATE OF SERVICE

I certify that a true and accurate copy of the foregoing document was served by electronic mail this 28th day of February, 2013 upon the persons listed below.


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Summary: Motion Motion for Leave to Intervene electronically filed by Mr. Stephen M Howard on behalf of NRG Energy, Inc.