

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of)	
Ohio Power Company to Initiate)	Case No. 13-1939-EL-RDR
Phase 2 of its gridSMART Project)	
And to Establish the gridSMART)	
Phase 2 Rider)	

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

Pursuant to Section 4903.221, Revised Code and Rule 4901-1-11 of the Ohio Administrative Code, 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 to Intervene such that Direct Energy Services, LLC and Direct Energy Business, LLC be made a full party of record.

Respectfully Submitted,

/s/ Jennifer L. Lause

Jennifer L. Lause

Joseph M. Clark

21 E. State St.

Suite 1950

Columbus, OH 43215

Tel. (614) 220- 4369 ext. 221

Fax (614) 220-4674

jennifer.lause@directenergy.com

joseph.clark@directenergy.com

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**

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 Direct Energy's intervention.

Direct Energy holds Certificate No.'s 00-019E(6) and 00-05E(6) as a competitive retail electric supply ("CRES") provider from the Commission to engage in the competitive sale of electric service to retail customers in Ohio. Direct Energy currently provides service to retail electric customers in the Ohio Power Company ("AEP Ohio") service territory and, in other utility territories with smart meter deployment, Direct Energy provides smart-meter enabled and time-of-use ("TOU" or "time-variant") products to residential and commercial customers.

Deployment of smart meters within the AEP Ohio and development of the appropriate data access and exchange between AEP Ohio and CRES providers creates an opportunity for residential and commercial customers to select a TOU or other smart-meter enabled product. As AEP Ohio notes in its Application, one goal of Phase 2 of the gridSMART is to support “a more robust customer choice market by enabling customer access to information, improved data for market settlement, and potential for time-differentiated rate design offerings.”¹ AEP Ohio also specifically notes that CRES providers could take the “lead role” in offering demand response and time-differentiated pricing programs to customers.² Direct Energy has a real and substantial interest in this proceeding, including maximizing the benefits of a smart grid to residential and commercial customers through collaboration between AEP Ohio, CRES providers, and other stakeholders.

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 the Application. Finally, Direct Energy’s individual interest in this proceeding cannot be adequately represented by other intervenors.

¹ AEP Ohio Attachment A at p. 2

² Id. at p. 6

WHEREFORE, Direct Energy respectfully requests that the Commission grant this Motion to Intervene and that it be made a full party of record.

Respectfully Submitted,

/s/ Jennifer L. Lause

Jennifer L. Lause

Joseph M. Clark

21 E. State St.

Suite 1950

Columbus, OH 43215

Tel. (614) 220- 4369 ext. 221

Fax (614) 220-4674

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

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of the foregoing Motion to Intervene of Direct Energy Services, LLC and Direct Energy Business, LLC was served this 24th day of October, 2013 by electronic mail delivery upon the persons listed below.

/s/ Jennifer L. Lause
Jennifer L. Lause

Steven T. Nourse
Matthew J. Satterwhite
Yazen Alami
American Electric Power Company
1 Riverside Plaza, 29th Floor
Columbus, Ohio 43215
stnourse@aep.com
msatterwhite@aep.com
yalami@aep.com

Devin Parram
Ryan O'Rourke
Office of the Ohio Attorney General
Public Utilities Commission Section
180 East Broad Street, 6th Floor
Columbus, Ohio 43215
devin.parram@puc.state.oh.us
ryan.orourke@puc.state.oh.us

Terry L. Etter
Michael J. Schuler
Office of the Ohio Consumers' Counsel
10 West Broad St., 18th Floor
Columbus, Ohio 43215
terry.etter@occ.ohio.gov
michael.schuler@occ.ohio.gov

Samuel C. Randazzo
Frank P. Darr
Joseph E. Olier
Matthew R. Pritchard
McNees Wallace & Nurick LLC
21 East State St., 17th Floor
Columbus, Ohio 43215
sam@mwncmh.com
fdarr@mwncmh.com
joliker@mwncmh.com
mpritchard@mwncmh.com

Colleen Mooney
Ohio Partners for Affordable Energy
231 West Lima St.
Findlay, Ohio 45840
cmooney@ohiopartners.org

John Finnigan
Environmental Defense Fund
128 Winding Brook Lane
Terrace Park, Ohio 45174
jfinnigan@edf.org

Matthew White
Vince Parisi
Interstate Gas Supply
6100 Emerald Parkway
Dublin, Ohio 43016
mwhite@igsenergy.com
vparisi@igsenergy.com

Trent Dougherty
Ohio Environmental Council
1207 Grandview Ave. Suite 201
Columbus, Ohio 43212
tdougherty@theoec.org

Mark A. Whitt
Andrew Campbell
Gregory L. Williams
Whitt Sturtevant, LLP
The KeyBank Building, Suite 1590
88 East Broad St.
Columbus, Ohio 43215
whitt@whitt-sturtevant.com
campbell@whitt-sturtevant.com
williams@whitt-sturtevant.com

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

10/23/2013 9:46:13 PM

in

Case No(s). 13-1939-EL-RDR

Summary: Motion to Intervene and Memorandum in Support electronically filed by Ms. Jennifer L. Lause on behalf of Direct Energy Business, LLC and Direct Energy Services, LLC