

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Duke)	
Energy Ohio, Inc., to Adjust its Alternative)	Case No. 12-802-EL-RDR
Energy Recovery 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 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)

Direct Energy

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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 supplier ("CRES") 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 Duke Energy Ohio service territory. Direct Energy has a real and substantial interest in this proceeding. Specifically, Direct Energy's interests include, but are not limited to, ensuring Duke Energy Ohio's Alternative Energy Recovery Rider ("AER-R") is calculated appropriately and is applied in a competitively neutral manner. The Management/Performance

and Financial Audit (“Audit”) makes several suggestions that may impact the AER-R charge and therefore the price to compare in the retail electric marketplace in Duke Energy Ohio’s service territory. Further, the Audit discusses a “pass-thru” transaction with Duke Energy Retail Services, Duke Energy Ohio’s competitive retail supplier affiliate. This transaction appears to raise possible corporate separation concerns.

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 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 to Intervene and that it be made a full party of record.

Respectfully Submitted,

/s/ Joseph M. Clark

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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 25th day of November, 2013 by electronic mail delivery upon the persons listed below.

/s/ Joseph M. Clark

Joseph M. Clark

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Summary: Motion to Intervene and Memorandum in Support electronically filed by JOSEPH CLARK on behalf of Direct Energy Services, LLC and Direct Energy Business, LLC