
**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 Duke Energy Ohio service territory. Direct Energy has also participated in Duke Energy Ohio's Grid Modernization Collaborative meetings. Direct Energy's interest in

this proceeding is access to interval data from the advanced metering infrastructure (“AMI”) so that Direct Energy can offer Time of Use and other dynamic pricing products to customers in Duke’s territory, including residential customers. Direct Energy has a real and substantial interest in this proceeding.

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.

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. Spinosi

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CERTIFICATE OF SERVICE

In accordance with Rule 4901-1-05, Ohio Administrative Code, the PUCO's e-filing system will electronically serve notice of the filing of this document on the following parties. In addition, I hereby certify that a service copy of the foregoing Motion to Intervene of Direct Energy Services, LLC and Direct Energy Business, LLC was sent by, or on behalf of, the undersigned counsel to the follow parties of record this 14th day of January, 2015, via email, except those specifically designated as being served via U.S. Mail.

/s/ Jennifer L. Spinosi _____

Jennifer L. Spinosi

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