

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Duke)	
Energy Ohio, Inc. for Approval to Modify)	Case No. 15-50-GA-RDR
Rider FBS, Rider EFBS, Rider FRAS, and)	
Rider GTS.)	

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

Pursuant to Section 4903.221, Revised Code and Rule 4901-1-11 of the Ohio Administrative Code, Direct Energy Services, LLC, Direct Energy Small Business, LLC, and Direct Energy Business Marketing, LLC (“Direct Energy”) move 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, Direct Energy Small Business, LLC, and Direct Energy Business Marketing, LLC be made a full party of record.

Respectfully Submitted,

/s/ Joseph M. Clark

Joseph M. Clark (Counsel of Record)

Direct Energy

21 East State Street, 19th Floor

Columbus, Ohio 43215

Tel. (614) 220-4369 Ext 232

Fax (614) 220-4674

joseph.clark@directenergy.com

(Willing to accept e-mail service)

**Attorney for Direct Energy Services, LLC, Direct
Energy Small Business, LLC, and Direct Energy
Business Marketing, LLC.**

MEMORANDUM IN SUPPORT

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 ("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 02-024G(7), 12-238(G)(2), and 13-303G(1), as a competitive retail natural gas service ("CRNGS") provider from the Commission to engage in the competitive sale of natural gas service to retail customers in Ohio. Direct Energy currently provides service to retail natural customers in the Duke Energy Ohio service territory. Direct Energy has a real and substantial interest in this proceeding. Direct Energy's interests include, but are not limited to, potential changes to Duke Energy Ohio's balancing services to CRNGS providers. The Commission's decision in this matter will also affect the viability of the CRNGS

market in Duke Energy Ohio's service territory and Direct Energy serves retail natural gas customers in Duke Energy Ohio's service territory

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

Joseph M. Clark (Counsel of Record)

Direct Energy

21 East State Street, 19th Floor

Columbus, Ohio 43215

Tel. (614) 220-4369 Ext 232

Fax (614) 220-4674

joseph.clark@directenergy.com

(Willing to accept e-mail service)

Attorney for Direct Energy Services, LLC, Direct Energy Small Business, LLC, and Direct Energy Business Marketing, LLC.

CERTIFICATE OF SERVICE

The Public Utilities Commission of Ohio's e-filing system will electronically serve notice of the filing of this document on the parties referenced on the service list of the docket card who have electronically subscribed to the case. In addition, the undersigned hereby certifies that a copy of the foregoing document is also being served (via electronic mail) on the 12th day of February 2015 upon the persons listed below.

/s/ Joseph M. Clark
Joseph M. Clark

Duke Energy Ohio, Inc.
Amy.spiller@duke-energy.com
Elizabeth.watts@duke-energy.com

Retail Energy Supply Association
mhpetricoff@vorys.com
glpetrucci@vorys.com

Interstate Gas Supply, Inc.
joliker@igsenergy.com

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Case No(s). 15-0050-GA-RDR

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