

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Duke	)	
Energy Ohio for Approval of the Fourth	)	
Amended Corporate Separation Plan under	)	Case No. 15-441-EL-UNC
Section 4928.17, Revised Code, and	)	
Chapter 4901:1-37, Ohio Administrative	)	
Code.	)	

**MOTION TO INTERVENE OF  
DIRECT ENERGY SERVICES, LLC  
DIRECT ENERGY BUSINESS, LLC  
DIRECT ENERGY BUSINESS MARKETING, LLC  
AND HOME WARRANTY OF AMERICA, INC.**

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

Respectfully Submitted,

/s/ Joseph M. Clark

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**Attorney for Direct Energy Services, LLC,  
Direct Energy Business, LLC, Direct Energy Business  
Marketing, LLC, and Home Warranty of America, Inc.**

**MEMORANDUM IN SUPPORT OF  
THE MOTION TO INTERVENE OF  
DIRECT ENERGY SERVICES, LLC  
DIRECT ENERGY BUSINESS, LLC  
DIRECT ENERGY BUSINESS MARKETING, LLC  
AND HOME WARRANTY OF AMERICA, 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 following facts supports granting Direct Energy's intervention.

Direct Energy holds Certificate No.'s 00-019E(8), 00-05E(8), 13-707E(1) 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 also provides home warranty services to customers in the Duke Energy Ohio service territory, sometimes in

conjunction with competitive retail electric service. Direct Energy has a real and substantial interest in this proceeding. Specifically, Direct Energy's interests include, but are not limited to, activities by Duke Energy Ohio related to competitive retail electric service as well as unregulated products and services offered by Duke Energy Ohio or affiliated companies of Duke Energy Ohio, as undertaken in compliance with its corporate separation plan.

Direct Energy participated fully in Duke Energy Ohio's last corporate separation plan case (Case Nos. 14-689 and 14-690). 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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**Attorney for Direct Energy Services, LLC,  
Direct Energy Business, LLC, Direct Energy Business  
Marketing, LLC, and Home Warranty of America, Inc.**

### **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* was sent by, or on behalf of, the undersigned counsel to the following parties of record this 11th day of June 2015 via e-mail.

/s/ Joseph M. Clark  
Joseph M. Clark

Duke Energy Ohio, Inc. ([amy.spiller@duke-energy.com](mailto:amy.spiller@duke-energy.com) and [jeanne.kingery@duke-energy.com](mailto:jeanne.kingery@duke-energy.com))

Interstate Gas Supply, Inc ([joliker@igsenergy.com](mailto:joliker@igsenergy.com))

**This foregoing document was electronically filed with the Public Utilities**

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Summary: Motion to Intervene electronically filed by JOSEPH CLARK on behalf of Direct Energy Services, LLC and Direct Energy Business, LLC and Direct Energy Business Marketing, LLC and Home Warranty of America, Inc.