

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Filing by Ohio Edison)	
Company, The Cleveland Electric)	
Illuminating Company, and The Toledo)	Case No. 16-0481-EL-UNC
Edison Company of a Grid Modernization)	
Business Plan.)	

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

In accordance with R.C. 4903.221 and Ohio Admin. Code 4901-1-11, Direct Energy Services, LLC and Direct Energy Business, LLC (collectively, Direct Energy) request issuance of an entry granting intervention in the above-captioned proceeding. The reasons supporting this intervention are stated below in the Memorandum in Support.

MEMORANDUM IN SUPPORT

R.C. 4903.221 and Ohio Admin. Code 4901-1-11 establish the standard for intervention.

Ohio Admin. Code 4901-1-11 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 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). A review of these factors in light of the following facts supports granting Direct Energy's intervention.

Direct Energy holds Certificate Nos. 00-019E(8), 00-05E(8), and 13-707E(2) as a competitive retail electric service 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 Edison, Cleveland Electric Illuminating Company, and Toledo Edison (collectively, FirstEnergy) service territories. Direct Energy has a real and substantial interest in this proceeding, including, but not limited to, access to interval data from the advanced metering infrastructure (AMI) so that Direct Energy can provide Time of Use and other dynamic pricing products to customers in FirstEnergy's territories, including residential customers.

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 that 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.

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

Dated: October 24, 2016

Respectfully submitted,

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ATTORNEYS FOR DIRECT ENERGY
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion to Intervene and Memorandum in Support was served by electronic mail this 24th day of October, 2016 to the following:

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Case No(s). 16-0481-EL-UNC

Summary: Motion to Intervene and Memorandum in Support electronically filed by Ms. Rebekah J. Glover on behalf of Direct Energy Services, LLC and Direct Energy Business, LLC