

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Joint Application of)	
Constellation NewEnergy, Inc. and)	
Constellation NewEnergy – Gas Division)	Case No. 18-0604-GE-WVR
LLC for Waivers of Enrollment)	
Requirements in Rules 4901:1-21-06(C))	
and 4901:1-29-06(B), Ohio Administrative)	
Code.)	

**MOTION TO INTERVENE OF
THE RETAIL ENERGY SUPPLY ASSOCIATION**

Now comes the Retail Energy Supply Association (“RESA”)¹ who, pursuant to Ohio Revised Code Section 4903.221 and Ohio Administrative Code Rule 4901-1-11, moves to intervene in the above-styled proceeding as a full party of record. The reasons supporting the intervention are contained in the accompanying Memorandum in Support. RESA respectfully requests that the Commission grant this motion to intervene and that RESA be made a full party of record.

Respectfully Submitted,

/s/ Gretchen L. Petrucci
Michael J. Settineri (0073369), Counsel of Record
Gretchen L. Petrucci (0046608)
Vorys, Sater, Seymour and Pease LLP
52 East Gay Street
Columbus, OH 43215
Telephone 614-464-5462
Facsimile 614-719-5146
mjsettineri@vorys.com
glpetrucci@vorys.com

Counsel for the Retail Energy Supply Association

¹ The comments expressed in this filing represent the position of RESA as an organization but may not represent the views of any particular member of the Association. Founded in 1990, RESA is a broad and diverse group of retail energy suppliers dedicated to promoting efficient, sustainable and customer-oriented competitive retail energy markets. RESA members operate throughout the United States delivering value-added electricity and natural gas service at retail to residential, commercial and industrial energy customers. More information on RESA can be found at www.resausa.org.

**MEMORANDUM IN SUPPORT OF
THE MOTION TO INTERVENE**

Ohio Revised Code Section (“R.C.”) 4903.221 and Ohio Administrative Code Rule (“Rule”) 4901-1-11 establish the standard for intervention in the above-styled proceeding as a full party of record. Rule 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 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 the following facts supports granting RESA’s intervention.

RESA is a broad and diverse group of knowledgeable and experienced retail energy suppliers who share the common vision that competitive retail energy markets deliver a more efficient, customer-oriented outcome than regulated utility structure. RESA members are certified as competitive retail electric and natural gas service suppliers and have been active in the Ohio retail electric and natural gas markets providing service to residential, commercial, industrial and governmental customers. They are active in the competitive markets throughout Ohio.

On April 10, 2018, Constellation NewEnergy, Inc. and Constellation NewEnergy – Gas Division LLC jointly filed a request for a waiver of two Commission rules so that they may offer retail customers the opportunity to enroll in a competitive retail energy service in Ohio through an on-line chat mechanism. The proposal will allow an additional enrollment process in a competitive retail energy service.

The Commission’s ruling in this matter could affect the viability and development of the competitive energy market throughout Ohio – both retail electric and natural gas markets. As such, RESA and its members have existing and potential business interests in Ohio that will be directly affected by the outcome of the proceeding.

RESA has a long history of participating in Commission proceedings, contributing, and providing substantial reliable opinions and evidence that the Commission has relied upon time and again. For example, RESA was an active participant in the Commission’s investigation of the retail electric service market and its related market development working group, Case Nos. 12-3151-EL-COI and 14-2074-EL-EDI. Also, the Commission has previously found that RESA has a real and substantial interest in the competitive market-related issues in its investigation of marketing practices in Case No. 14-568-EL-COI. The Commission should find again that RESA has a real and substantial interest in the competitive market-related issue presented in this proceeding. RESA’s members are knowledgeable of the competitive industry in Ohio and across the country. As a supplier organization, RESA can readily contribute to a just and expeditious resolution of the issues involved. RESA is not represented by any other party.

RESA’s intervention will not result in an undue delay of the proceeding as RESA is timely filing it pursuant to the procedural schedule established for this case.

For all of these reasons, RESA satisfies the requirements for intervention in this Commission proceeding. RESA respectfully requests that the Commission grant this motion to intervene and that RESA be made a full party of record.

Respectfully Submitted,

/s/ Gretchen L. Petrucci
Michael J. Settineri (0073369), Counsel of Record
Gretchen L. Petrucci (0046608)
Vorys, Sater, Seymour and Pease LLP
52 E. Gay Street
Columbus, OH 43215
Telephone 614-464-5462
Facsimile 614-719-5146
msettineri@vorys.com
glpetrucci@vorys.com

Counsel for the Retail Energy Supply Association

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 certifies that a courtesy copy of the foregoing document is also being served (via electronic mail) on the 1st day of August 2019 upon all persons/entities listed below:

Terry Etter:	Terry.etter@occ.ohio.gov
Amy Botschner-O’Brien:	Amy.botschner.obrien@occ.ohio.gov
John Jones:	John.jones@ohioattorneygeneral.gov
Andy Shaffer:	Andy.shaffer@ohioattorneygeneral.gov

/s/ Gretchen L. Petrucci

Gretchen L. Petrucci

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

8/1/2019 4:49:12 PM

in

Case No(s). 18-0604-GE-WVR

Summary: Motion to Intervene electronically filed by Mrs. Gretchen L. Petrucci on behalf of Retail Energy Supply Association