

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Duke)
Energy Ohio, Inc. for Authority to Adjust) Case No. 19-1750-EL-UNC
its Power Forward Rider.)

In the Matter of the Application of Duke)
Energy Ohio, Inc. for Approval to) Case No. 19-1751-GE-AAM
Change Accounting Methods.)

**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) requests issuance of an entry granting intervention in these proceedings. 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's intervention.

Direct currently provides competitive electric retail service to customers in the Duke Energy Ohio, Inc. (Duke) service territory, and therefore has a real and substantial interest in this proceeding. Direct meets all of the criteria for intervention. Direct will advance legal positions that are directly relevant to the merits of the case and Direct's position. Additionally, Direct's intervention is timely and will not unduly delay the instant proceedings. Direct'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's direct and unique pecuniary interest in this proceeding cannot be represented by other intervenors.

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

Dated: October 17, 2019

Respectfully submitted,

/s/ Rebekah J. Glover
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ATTORNEYS FOR DIRECT ENERGY
SERVICES, LLC AND DIRECT ENERGY
BUSINESS, LLC

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 17th day of October, 2019 to the following:

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/s/ Rebekah J. Glover

One of the Attorneys for Direct Energy
Services, LLC and Direct Energy Business,
LLC

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Case No(s). 19-1750-EL-UNC, 19-1751-GE-AAM

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