

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Duke )  
Energy Ohio, Inc., for Authority to Adjust its )  
Power Future Initiatives Rider. )

Case No. 21-0012-EL-RDR

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

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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 this proceeding. The reasons supporting this intervention are stated below in the Memorandum in Support.

Respectfully submitted,

/s/ Mark A. Whitt

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**MEMORANDUM IN SUPPORT**

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R.C. 4903.221 confers a right to intervene to any person who may be "adversely affected" by a Commission proceeding. In considering a request to intervene, the Commission must consider 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, and whether intervention would unduly delay the proceeding. *See* R.C. 4903.221(B)(1-4).

Direct Energy meets all of the criteria for intervention. Direct Energy holds Certificate Nos. 00-019E and 00-005E 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 Duke service territory. Direct Energy has a real and substantial interest in this proceeding, including, but not limited to, the costs Duke seeks to recover for advanced metering infrastructure and data access enhancements stemming from the Stipulation and Recommendations approved by the Commission in Case Nos 17-0032, 17-1263, 17-0872, and 16-1602, and whether Duke achieved the required functionality to recover those costs, which could have an impact on the rates charged to current and prospective customers served by Direct Energy.

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 direct and unique pecuniary interest in this proceeding cannot be represented by other intervenors. 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 intervention will not unduly delay the instant proceedings.

Accordingly, Direct Energy respectfully requests that the Commission grant this Motion to Intervene.

Dated: May 24, 2021

Respectfully submitted,

/s/ Lucas A. Fykes

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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 24<sup>th</sup> day of May, 2021 to the following:

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Summary: Motion Motion to Intervene and Memorandum in Support electronically filed by Ms. Valerie A Cahill on behalf of Direct Energy Business, LLC and Direct Energy Services, LLC