

BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO 2008 OCT 23 PM 3:31

In the Matter of the Application of The  
Dayton Power and Light Company for  
Approval of its Electric Security Plan

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PUCO

Case No. 08-1094-EL-SSO

and

In the Matter of the Application of the  
Dayton Power and Light Company for  
Approval of Revised Tariffs

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Case No. 08-1095-EL-ATA

and

In the Matter of the Application of  
The Dayton Power and Light Company for  
Approval of Certain Accounting Authority  
Pursuant to Ohio Rev. Code § 4905.13

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Case No. 08-1096-EL-AAM

and

In the Matter of the Application of  
The Dayton Power and Light Company for  
Approval of its Amended Corporate  
Separation Plan

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Case No. 08-1097-EL-UNC

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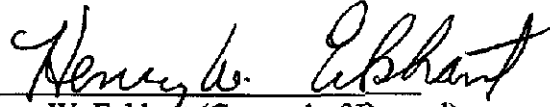
MOTION TO INTERVENE  
BY  
THE SIERRA CLUB

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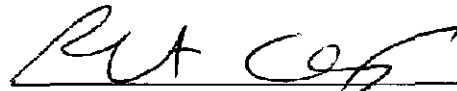
The Sierra Club moves the Public Utilities Commission of Ohio ("Commission") for leave to intervene in all four of the above styled cases pursuant to Sec. 4903.221 Revised Code of Ohio, and Rule 4901-1-11, of the Ohio Administrative Code, with full powers and rights granted by the Commission, specifically by statute or by the provisions of the Ohio Administrative Code, to intervening parties.

The Sierra Club provides the following Memorandum In Support of the foregoing Motion.

Respectfully submitted;



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Trial Counsel for the Sierra Club

## MEMORANDUM IN SUPPORT OF MOTION

In support of this Motion to Intervene, The Sierra Club states that it is one of the nation's oldest and largest grassroots environmental organization. It has 1.4 million members and supporters in 65 Chapters and over 400 local groups nationwide.

The Sierra Club's statement of purpose is: "To explore, enjoy and protect the wild places of the Earth, to practice and promote the responsible use of the Earth's ecosystem and resources; to educate and enlist humanity to protect and restore the quality of the natural and human environment; and to use all lawful means to carry out these objectives." The Sierra Club has been involved in promotion of responsible energy policy almost since its first year.

The Sierra Club's Ohio Chapter has over 17,000 members throughout the state. Global Warming is the Sierra Club's highest priority issue. The Sierra Club's Ohio Chapter has been actively promoting energy efficiency as the lowest cost and most environmentally acceptable resource since 1984.

The Sierra Club has been involve in approximately 25 separate cases before the Commission during the 1990's involving all of the 7 major electric Investor Owned Utilities in Ohio. The Ohio Chapter was a key proponent of the energy efficiency measures in Sub. SB 221.

Many of the Sierra Club's Ohio members are served by Dayton Power and Light Company which is the applicant in this case. The Sierra Club has a real and substantial interest as these proceedings may directly or indirectly impact the environment of the State of Ohio, and other areas of the United States, and the electric bills of our members in Dayton Power and Light's service area.

Intervention of the Sierra Club will not unduly prolong or delay the proceedings.

The Intervention of The Sierra club will significantly contribute to full development of the record in the case.

The Sierra Club's particular interest regarding environmental issues and the development of Dayton Power and Light's resource strategy will not be fully represented by other existing parties. For example, Sierra Club has a settlement agreement with the Dayton Power and Light Company in Sierra Club et al. v. Dayton Power and Light Company et al., Civil Action No. 2:04-cv-905 (S.D. Ohio). The settlement agreement addresses issues that will be addressed in the above captioned cases. Thus, Sierra Club has a unique interest in this case.

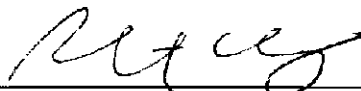
Finally, on October 14, 2008, Randall V. Griffin, counsel for Dayton Power and Light Company stated that Dayton Power and Light Company does not oppose Sierra Club's intervention in these cases.

WHEREFORE, the Sierra Club respectfully requests that its Motion to Intervene be granted in full.

Respectfully submitted,



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Counsel for the Sierra Club

Dated: October 23<sup>rd</sup>, 2008

CERTIFICATE OF SERVICE

The undersigned hereby certifies that he has served a copy of the foregoing Motion to Intervene this 23<sup>rd</sup> day of October 2008, by ordinary first class mail, postage prepaid, on the following persons listed below:

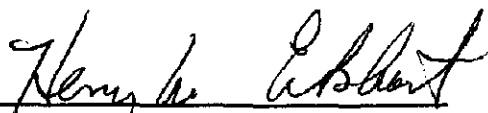
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