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January 13, 2009 2009 JAN 14 AM 9:40

PUCO

PUCO  
Docketing Division  
180 E. Broad Street, 13<sup>th</sup> Floor  
Columbus, OH 43215

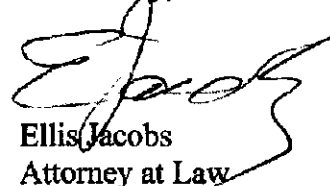
Re: No. 08-1094-EL-SSO

Dear Sir/Madam:

Enclosed is the original and 23 copy of the "Reply of the Edgemont Neighborhood Coalition to Dayton Power & Light Opposition to Edgemont's Motion to Intervene" in the above-captioned matter. This motion was fax filed with the Commission on today's date.

Please return the extra time-stamped copies in the enclosed envelope.

Yours truly,



Ellis Jacobs  
Attorney at Law

Enclosures

This is to certify that the images appearing are an  
accurate and complete reproduction of a case file  
document delivered in the regular course of business.  
Technician SM Date Processed JAN 14 2009

**FILE**

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

RECEIVED-DOCKETING DIV

2009 JAN 14 AM 9:40

**PUCO**

In the Matter of the Application of The Dayton Power and Light Company for Approval of Its Electric Security Plan.	:	Case No. 08-1094-EL-SSO
	:	
In the Matter of the Application of The Dayton Power and Light Company for Approval of Revised Tariffs.	:	Case No. 08-1095-EL-ATA
	:	
In the Matter of the Applications of The Dayton Power and Light Company for Approval of Certain Accounting Authority Pursuant to Ohio Rev. Code § 4905.13.	:	Case No. 08-1096-EL-AAM
	:	
In the Matter of the Application of The Dayton Power and Light Company for Approval of Its Amended Corporate Separation Plan.	:	Case No. 08-1097-EL-UNC
	:	

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**REPLY OF THE EDMONT NEIGHBORHOOD COALITION  
TO DAYTON POWER AND LIGHT'S OPPOSITION TO  
EDMONT'S MOTION TO INTERVENE**

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The commission should grant the Edgemont Neighborhood Coalition's Motion to Intervene in this case. Edgemont represents an important group of Dayton Power and Light (DP&L) customers whose intervention is essential to achieve a just resolution of this case.

Ohio Rev. Code 4903.221 (A)(1)(2) provides for intervention five days prior to a scheduled hearing date or by a different date, if one is established by an order in a particular case. The commission may, "in its discretion, grant motions to intervene which are filed after the deadlines.....for good cause shown." Ohio Rev.Code 4903.221 (A)2.

In this instance, the order which changed the '5-day day before hearing rule' came on November 26, 2008. Edgemont and its counsel, not being a party to this, nor any of the

other SSO cases, were not aware of the new intervention date.

For Edgemont, a small community based organization in a very low-income area, the period between Thanksgiving and New Year's is a time of focused activity providing for the emergency needs of community residents. This includes providing food to those in need. This year, because of the economic situation, these efforts were particularly intense and all consuming. In addition, between December 24 and January 2, 2008, the Edgemont office was closed for the Holidays. For these reasons Edgemont did not become aware of this case until after the New Year. Once it did become aware of the case, it moved quickly to file its motion to intervene. It should be noted that Honda and Cargill, much larger organizations than Edgemont, felt compelled to seek a two week extension of the schedule in this case because of holiday vacations. The Examiner found the request reasonable and granted the extension. *Entry*, January 9, 2009.

Neither DP&L, nor any other party will be prejudiced by granting Edgemont's Motion. Edgemont has acknowledged the need to accept the record as it finds it. Indeed, DP&L does not provide a single example of how it might be prejudiced by the granting of Edgemont's Motion.

As stated above, there is good cause for the Commission to exercise its discretion and grant Edgemont's Motion to Intervene Out of Time. Granting the Motion would be consistent with the Commission's policy of encouraging the broadest possible participation in its proceedings (see, e.g., *Cleveland Elec. Illum. Co.*, Case No. 85-675-EL-AIR, *Entry* dated January 14, 1986, at 2), and would be consistent with the disposition of similar requests to file motions to intervene out of time in other SSO proceedings (see *Duke Energy Ohio*, Case No. 08-920-EL-SSO (*Entry* dated September 17, 2008), at 4).

DP&L further opposes Edgemont's intervention claiming, mistakenly, that

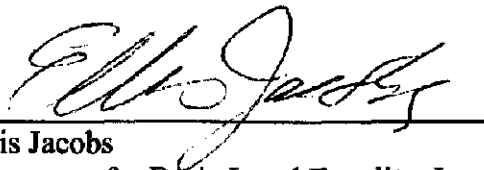
Edgemont's interests are adequately represented by other intervenors, specifically Ohio Partners for Affordable Energy (OPAE) and the Office of Consumer's Counsel (OCC).

Edgemont has two sets of interests in relation to this case. First, Edgemont operates an office and greenhouse in the DP&L service area. It is a small business. As such, it needs affordable rates and appropriate energy efficiency services. It is the only such small business seeking intervention in this case. Second, as a community organization representing low-income rate payers in the largest urban area in the DP&L territory, Edgemont represents a unique set of interest that are not adequately represented by OPAE and OCC. OCC does an excellent job of representing all residential rate payers. Low-income rate payers however have a particular set of concerns, including having extraordinary sensitivity to rate increases, which need to be advanced by a party solely focused in their issues. Similarly, OPAE does an excellent job representing the providers of energy efficiency services to low-income customers. Edgemont represents the potential recipients of those services in the inner city of Dayton.

It would run contrary to the long established commission policy to encourage the broadest possible participation in its proceedings to apply the Rule 4901-1-11(B) (5) standard in a manner that would exclude Edgemont from this case.

WHEREFORE, Edgemont respectfully requests that the Commission grant its Motion to Intervene.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Ellis Jacobs', is written over a horizontal line.

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**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the foregoing has been emailed to the following parties this 13th day of January, 2009.

  
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