

**BEFORE THE
PUBLIC UTILITIES COMMISSION OF OHIO**

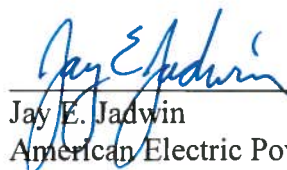
In the Matter of the Application of) The Dayton Power And Light Company For) Approval Of Its Market Rate Offer.)	Case No. 12-426-EL-SSO
In the Matter of the Application of) The Dayton Power And Light Company For) Approval Of Revised Tariffs.)	Case No. 12-427-EL-ATA
In the Matter of the Application of) The Dayton Power And Light Company For) Approval Of Certain Accounting Authority.)	Case No. 12-428-EL-AAM
In the Matter of the Application of) The Dayton Power And Light Company For) The Waiver Of Certain Commission Rules.)	Case No. 12-429-EL-WVR
In the Matter of the Application of) The Dayton Power And Light Company) To Establish Tariff Riders.)	Case No. 12-672-EL-RDR

MOTION TO INTERVENE OF AEP RETAIL ENERGY PARTNERS LLC

Pursuant to Section 4903.221, Ohio Revised Code, and Rule 4901-1-11, Ohio Administrative Code, AEP Retail Energy Partners LLC (“AEP Retail”) respectfully moves for leave to intervene in the above-captioned proceeding. The Public Utilities Commission of Ohio (“Commission”) should grant the motion to intervene because AEP Retail has a real and substantial interest in this proceeding, and the Commission’s disposition of this proceeding may impair or impede AEP Retail’s ability to protect that interest. AEP Retail believes that its participation will not unduly prolong or delay this proceeding and that AEP Retail will significantly contribute to the full development and equitable resolution of the issues in this proceeding. Additionally, AEP Retail’s interests

will not be adequately represented by other parties to this proceeding. Accordingly, and for these reasons and as set forth in the attached Memorandum in Support, AEP Retail respectfully requests that the Commission grant this Motion to Intervene.

Respectfully submitted,



Jay E. Jadwin
American Electric Power Service Corporation
155 W. Nationwide Blvd., Suite 500
Columbus, Ohio 43215
Telephone: (614) 583-7634
Facsimile: (614) 583-1602
Email: jejadwin@aep.com

Counsel for AEP Retail Energy Partners LLC

MEMORANDUM IN SUPPORT

On March 30, 2012, The Dayton Power and Light Company (“DP&L”) filed an application seeking approval of its standard service offer (“SSO”), as required pursuant to Section 4928.141, Revised Code. For the purpose of complying with its SSO requirement, DP&L filed a market rate offer (“MRO”) under Section 4928.142, Revised Code, which it proposes to begin on January 1, 2013 and continue through May 31, 2018.

AEP Retail will be impacted by the Commission’s decision relating to DP&L’s MRO, and AEP Retail should be permitted leave to intervene in the above-captioned proceeding.

Section 4903.221, Revised Code, and Rule 4901-1-11 of the Ohio Administrative Code establish the standard for intervention, providing in relevant part:

- (A) 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.
- (B) In deciding whether to permit intervention under paragraph (A) (2) of this rule, the commission, the legal director, the deputy legal director, or an attorney examiner shall consider:
 - (1) The nature and extent of the prospective intervenor’s interest.
 - (2) The legal position advanced by the prospective intervenor and its probable relation to the merits of the case.
 - (3) Whether the intervention by the prospective intervenor will unduly prolong or delay the proceedings.

(4) Whether the prospective intervenor will significantly contribute to full development and equitable resolution of the factual issues.

(5) The extent to which the person's interest is represented by existing parties.¹

A review of these criteria supports granting AEP Retail's intervention in this proceeding.

AEP Retail provides electricity and energy-related services to more than 1000 retail customers in Ohio. It is a certified competitive retail electric supplier ("CRES"), licensed by the Commission to sell power in all regions of the state of Ohio, including in DP&L's service area.

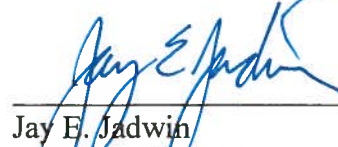
AEP Retail has existing and potential business interests in Ohio which will be affected by the outcome of the proceeding. The Commission's decision in this matter will affect the viability of the competitive retail electric market in Ohio, in which AEP Retail provides electric power and other services to retail customers across the state.

AEP Retail's intervention will not prolong or delay this proceeding. This motion is timely, precedes all discovery or other procedural termination dates, and is filed more than five days before the hearing deadline established in Rule 4901-1-29.

For the foregoing reasons, AEP Retail respectfully requests that the Commission grant this joint motion for leave to intervene and that AEP Retail be made a full party of record in this proceeding.

¹ The factors in Rule 4901-1-11 (B) (1) – (4) are consistent with §4903.221 (B), Ohio Rev. Code.

Respectfully submitted,

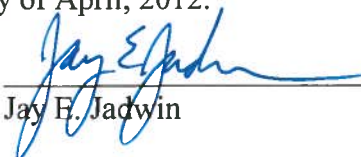


Jay E. Jadwin
American Electric Power Service Corporation
155 W. Nationwide Blvd., Suite 500
Columbus, Ohio 43215
Telephone: (614) 583-7634
Fax: (614) 583-1602
Email: jejadwin@aep.com

Counsel for AEP Retail Energy Partners LLC

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was provided to the persons listed below via electronic transmission this 10th day of April, 2012.


Jay E. Jadwin

Judi L. Sobecki
Dona Seger-Lawson
Irda Hoxha Hinders
The Dayton Power and Light Company
1065 Woodman Drive
Dayton, OH 45432
judi.sobecki@dplinc.com

Charles J. Faruki
Jeffrey S. Sharkey
Faruki, Ireland and Cox PLL
500 Courthouse Plaza, S.W.
10 North Ludlow Street
Dayton, OH 45402
cfaruki@ficlaw.com

Attorneys for The Dayton Power and
Light Company

Samuel C. Randazzo, Esq.
Joseph E. Olikier, Esq.
Matthew R. Pritchard, Esq.
Mcnees Wallace & Nurick LLC
21 East State Street, 17th Floor
Columbus, OH 43215-4228
sam@mwncmh.com
joliker@mwncmh.com
mpritchard@mwncmh.com

John W. Bentine, Esq.
Mark S. Yurick, Esq.
Taft Stettinius & Hollister LLP
65 East State Street, Suite 1000
Columbus, OH 43215
jbentine@taftlaw.com
myurick@taftlaw.com

Attorneys for Industrial Energy Users-Ohio

Attorneys for The Kroger Company

Lisa McAlister, Esq.
Matthew Warnock, Esq.
Bricker & Eckler LLP
100 South Third Street
Columbus, OH 43215-4291
lmcaster@bricker.com
mwarnock@bricker.com

David Boehm, Esq.
Michael L. Kurtz, Esq.
Boehm, Kurtz & Lowry
36 East Seventh Street Suite 1510
Cincinnati, OH 45202-4454
dboehm@BLKlawfirm.com
mkurtz@BLKlawfirm.com

Attorney for The Ohio Manufacturers'
Association Energy Group

Attorney for Ohio Energy Group, Inc.

Colleen Mooney, Esq.
Ohio Partners For Affordable Energy
231 West Lima Street
P.O. Box 1793
Findlay, OH 45839-1793
cmooney2@columbus.rr.com

Henry Eckhart, Esq.
50 West Broad Street, Suite 2117
Columbus, OH 43215-3301
henryeckhart@aol.com

Robert Ukeiley, Esq.
Law Office of Robert Ukeiley
435R Chestnut Street, Suite 1
Berea, KY 40403

Attorneys for Sierra Club Ohio Chapter

Bruce J. Weston, Esq.
Consumers' Counsel
Jeff Small, Esq.
OFFICE OF OHIO CONSUMERS' COUNSEL
10 West Broad Street, Suite 1800
Columbus, OH 43215
small@occ.state.oh.us

Larry Gearhardt, Esq.
Chief Legal Counsel
OHIO FARM BUREAU FEDERATION
280 North High Street
P.O. Box 182383
Columbus, OH 43218-2383
lgearhardt@ofbf.org

Attorney for The Ohio Farm Bureau Federation

Richard L. Sites, Esq.
General Counsel and Senior Director of
Health Policy
Ohio Hospital Association
155 East Broad Street, 15th Floor
Columbus, OH 43215-3620
ricks@ohanet.org

Anthony M. Long
Senior Assistant Counsel
Barry McClelland
Honda of America Mfg., Inc.
NA-E Legal
24000 Honda Parkway
Marysville, OH 43040
Tony_Long@ham.honda.com
Barry_McClelland@ham.honda.com

M. Howard Petricoff, Esq.
Stephen M. Howard, Esq.
Vorys, Sater, Seymour & Pease LLP
52 East Gay Street
P.O. Box 1008
Columbus, OH 43216-1008
mhpetricoff@vssp.com
smhoward@vssp.com

Attorneys for Honda of America Mfg., Inc.

David I. Fein, Esq.
Cynthia A. Fonner Brady, Esq.
CONSTELLATION ENERGY GROUP INC.
550 West Washington Blvd., Suite 300
Chicago, IL 60661
david.fein@constellation.com

Tasha Hamilton
Manager, Energy Policy
CONSTELLATION ENERGY GROUP,
INC.
111 Market Place, Suite 600
Baltimore, MD 21202
tasha.hamilton@constellation.com

Christopher L. Miller, Esq.
Gregory H. Dunn, Esq.
Nell B. Chambers, Esq.
Schottenstein Zox & Dunn Co., LPA
250 West Street
Columbus, OH 43215
cmiller@szd.com

Thomas J. O'Brien, Esq.
BRICKER & ECKLER LLP
100 South Third Street
Columbus, OH 43215-4291
tobrien@bricker.com

Attorney for Ohio Hospital Association

Todd Williams
Attorney at Law
4534 Douglas Road
Toledo, OH 43613
Williams.toddm@gmail.com

Trent A. Dougherty
Nolan Moser
Air & Energy Program Manager
The Ohio Environmental Council
1207 Grandview Ave., Suite 201
Columbus, OH 43212-3449
nmoser@theOEC.org
Trent@theOEC.org

Attorneys for The Ohio Environmental Council

Evan Eschmeyer
Environmental Law & Policy Center 1207
1207 Grandview Avenue, Suite 201
Columbus, OH 43212-3449

Attorneys for The Ohio Environmental Council

Craig I. Smith
15700 Van Aken Blvd. Suite 26
Cleveland, OH 44120
Wis29@yahoo.com

Attorney for Cargill, Incorporated

Ned Ford
539 Plattner Trail
Beavercreek, OH 45430
Ned.ford@fuse.net

John J. Danish, Director of Law
City of Dayton
101 W. Third Street
Dayton, Ohio 45402
john.danish@cityofdayton.org

Attorneys for The City of Dayton

Ellis Jacobs
Advocates for Basic Legal Equality, Inc.
333 W. First Street, Suite 500B
Dayton, OH 45402
ejacobs@ablelaw.org

Attorney for The Edgemont Neighborhood

Thomas Lindgren
Thomas McNamee
Assistant Attorney General
180 E. Broad Street, 6th floor
Columbus, OH 43215
Thomas.Lindgren@puc.state.oh.us
Thomas.McNamee@puc.state.oh.us

Office of the Attorney General

Barth E. Royer
Bell & Royer Co., LPA
33 S. Grant Avenue
Columbus, OH 43215
BarthRoyer@aol.com

Gary A. Jeffries
Dominion Resources Services, Inc.
501 Martindale Street, Suite 400
Pittsburgh, PA 15212-5817

Attorneys for Dominion Retail

Trevor Alexander, Esq.
Calfee, Halter & Griswold LLP
21 E. State Street, Suite 1100
Columbus, OH 43215
talexander@calfee.com

Duke Energy Commercial Asset Management, Inc.
139 E. Fourth Street, 1313-Main
P.O. Box 961
Cincinnati, OH 45201-4359

Duke Energy Retail Sales, LLC
139 E. Fourth Street 1303-Main
Cincinnati, OH 45202

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

4/10/2012 4:55:50 PM

in

Case No(s). 12-0426-EL-SSO, 12-0427-EL-ATA, 12-0428-EL-AAM, 12-0429-EL-WVR, 12-0672-EL-RDR

Summary: Motion to Intervene electronically filed by Mr. Jay E Jadwin on behalf of AEP Retail Energy Partners LLC