

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

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

**MOTION FOR LEAVE TO INTERVENE OF
THE RETAIL ENERGY SUPPLY ASSOCIATION**

Now comes the Retail Energy Supply Association (RESA)¹, who, pursuant to Section 4903.221, Revised Code and Rule 4901-1-11 of the Ohio Administrative Code, moves for intervention in the above styled proceeding as a full party of record. The reasons supporting the intervention are contained in the accompanying Memorandum in Support.

¹ RESA's members include: Champion Energy Services, LLC; ConEdison *Solutions*; Constellation NewEnergy, Inc.; Direct Energy Services, LLC; Energy Plus Holdings, LLC; Exelon Energy Company; GDF SUEZ Energy Resources NA, Inc.; Green Mountain Energy Company; Hess Corporation; Integrys Energy Services, Inc.; Just Energy; Liberty Power; MXenergy; NextEra Energy Services; Noble Americas Energy Solutions LLC; PPL EnergyPlus; Reliant Energy Northeast LLC and TriEagle Energy, L.P.. The comments expressed in this filing represent the position of RESA as an organization but may not represent the views of any particular member of RESA.

WHEREFORE, RESA respectfully requests that the Commission grant this motion for leave to intervene and that RESA be made a full party of record.

Respectfully Submitted,



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**MEMORANDUM IN SUPPORT OF
THE MOTION TO INTERVENE OF
THE RETAIL ENERGY SUPPLY ASSOCIATION**

Section 4903.221, Revised Code and Rule 4901-1-11 of the Ohio Administrative Code, establish the standard for intervention in the above-styled proceeding as a full party of record.

Rule 4901-1-11 of the Ohio Administrative Code 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 Public Utilities Commission of Ohio (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) upon which the above rule is authorized). A review of these factors in light of following facts supports granting RESA's intervention.

RESA is a broad and diverse group of retail energy suppliers who share the common vision that competitive retail energy markets deliver a more efficient, customer-oriented outcome than regulated utility structure. Several RESA members are certificated as competitive retail electric service providers and active in the Ohio retail electric and natural gas markets providing service to residential, commercial, industrial and governmental customers. In addition, some of RESA's members currently provide CRES service to retail customers in the Dayton Power &

Light Company's service area.

In its applications, the Dayton Power and Light Company ("DP&L") is requesting Commission approval of a Market Rate Offer pursuant to Section 4928.142, Revised Code. DP&L's proposed SSO rates for the period beginning January 1, 2013 through May 31, 2018 will be in the form of a blended rate consisting of a proportionate blend of the rate resulting from a Competitive Bidding Process ("CBP"). DP&L is proposing the five year, five-month blending period to bring competitive bidding cycle in line with PJM Interconnection ("PJM") Reliability Pricing Model ("RPM") June 1-May 31 delivery year. According to DP&L's plan, the first Competitive Bidding Process will take place in October 2012. DP&L also filed with the application its Third Amended Corporate Separation Plan. According to DP&L, the Third Amended Corporate Separation plan is substantially the same as the Second Amended Corporate Separation plan, but has been updated to reflect the acquisition by DP&L's affiliate, DPL Energy Resources, of MC Squared and the acquisition of DPL, Inc. by the AES Corporation.

RESA's members have existing and potential business interests in the State that 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 DP&L's service territory, in which some of the RESA members provide electric power and other products and services to retail service customers. In fact, if not significantly modified, DP&L's application will eliminate the prospects for the development of retail competition in the DP&L service territory to the detriment of RESA and to the detriment of retail customers.

This motion to intervene meets the April 20, 2012 deadline established by the Attorney Examiner's Entry of April 2, 2012.

WHEREFORE, the Retail Energy Supply Association respectfully requests that the Commission grant this motion for leave to intervene and that RESA be made a full party of record.

Respectfully Submitted,



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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of the foregoing document was served this 18th day of April, 2012 by electronic mail or, where indicated, by regular U.S. mail, postage prepaid, upon the persons listed below.



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Summary: Motion Motion for Leave to Intervene electronically filed by M HOWARD
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