

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of)	
Columbus Southern Power Company and)	
Ohio Power Company for Authority to)	Case No. 11-346-EL-SSO
Establish a Standard Service Offer)	Case No. 11-348-EL-SSO
Pursuant to §4928.143, Ohio Rev. Code, in)	
the Form of an Electric Security Plan.)	
)	
In the Matter of the Application of)	
Columbus Southern Power Company and)	Case No. 11-349-EL-AAM
Ohio Power Company for Approval of)	Case No. 11-350-EL-AAM
Certain Accounting Authority)	

**THE DAYTON POWER AND LIGHT COMPANY'S
MOTION TO INTERVENE AND
MEMORANDUM IN SUPPORT**

Pursuant to Section 4903.221 of the Ohio Revised Code (R.C.) and Rule 4901-1-11 of the Ohio Administrative Code (O.A.C.), The Dayton Power and Light Company (DP&L) hereby moves to intervene in this proceeding. The issues in this proceeding involve the Commission's review of a proposed Standard Service Offer (SSO) by the Ohio Power Company (AEP). The resolution of the issues in the proceeding will have a direct impact on the strength and viability of the competitive retail and wholesale energy markets in Ohio. DP&L has a real and substantial interest in this proceeding and its interests are not adequately represented by existing parties. For the reasons more fully explained in the attached memorandum, DP&L respectfully requests that the Commission grant this request to intervene.

Respectfully submitted,



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MEMORANDUM IN SUPPORT

This proceeding involves the application of AEP to establish its SSO in the form of an Electric Security Plan (ESP) for a term commencing on June 1, 2012 and ending May 31, 2015. Among other provisions, AEP's plan contemplates a migration to competitive market-based auctions to serve AEP Ohio full SSO energy load beginning January 2015 and its full SSO capacity and energy requirements beginning in June 2015. AEP is also planning to conduct a smaller scale SSO energy auction for delivery starting six months after final orders in this case and AEP's corporate separation case. The resolution of the issues in the proceeding will have a direct impact on wholesale energy suppliers' participation in the auction process.

Pursuant to R.C. §4903.221, any party who may be adversely affected by a public utilities commission proceeding may intervene provided that the motion to intervene is filed no later than a deadline set for intervention, or if none is set, five days prior to the scheduled date of a hearing. The intervention deadline set in this proceeding is April 20, 2012, and therefore this motion is timely.

In ruling upon applications to intervene in its proceedings, the Commission is directed to consider the following factors:

- (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.¹

The Commission added an additional criterion to the requirement for intervention in proceedings before it. O.A.C. §4901-1-11(B), mirrors the statutory provisions found in 4903.221, and includes the additional criterion that the Commission consider the extent to which the movant's interest is represented by existing parties.

In satisfaction of the requirements set forth in RC §4903.221 and O.A.C Rule 4901-1-11(B), DP&L has a real and substantial interest in this present proceeding. DP&L's unique interest is not presently represented in this proceeding. DP&L can positively contribute to the proceeding and will not unduly delay the proceeding or prejudice any existing party. DP&L provides wholesale power to wholesale customers, and is active in PJM Interconnection, L.L.C. As an active participant in wholesale energy supply auctions, DP&L has a real and substantial legal and business interest in the outcome of this proceeding, in which AEP's ESP plan contemplates engaging in a Competitive Bidding Process for portions of its SSO load. Accordingly, DP&L has a direct, real, and substantial interest in the issues and matters involved in the instant proceeding.

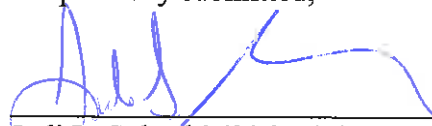
¹ R.C. §4903.221

All of DP&L's specific interests are not represented by existing parties to this proceeding. DP&L will contribute to the just and expeditious resolution of the issues being considered in this case. As an experienced party in participating in many proceedings before the Commission, DP&L's participation in this proceeding will not cause undue delay nor will it unjustly prejudice any party. Finally, because of DP&L's unique expertise as a participant in Ohio wholesale energy markets, permitting DP&L to intervene will assist the Commission in achieving a better outcome to this proceeding.

CONCLUSION

Based on the above, DP&L has a direct, real, and substantial interest in the issues and matters involved in this proceeding. DP&L interests can only be protected by its participation in this proceeding. Accordingly, DP&L respectfully requests that the Commission grant DP&L's Motion to Intervene in this matter.

Respectfully submitted,



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CERTIFICATE OF SERVICE

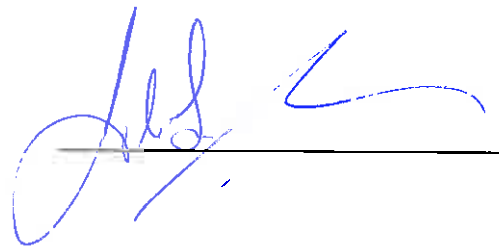
I certify that a copy of the foregoing has been served via electronic mail this 18th day of

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A handwritten signature in blue ink, appearing to be "J. Stinson", is written over a solid horizontal black line. The signature is stylized and cursive.

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in

Case No(s). 11-0346-EL-SSO

Summary: Motion The Dayton Power and Light Company's Motion to Intervene and Memorandum In Support electronically filed by Mrs. Angela N. Hogan on behalf of The Dayton Power and Light Company