

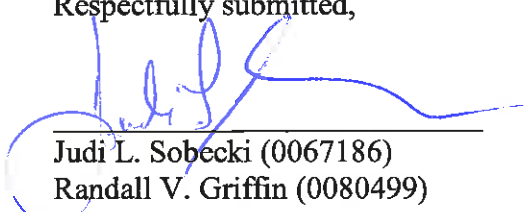
**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Ohio)	
Edison Company, The Cleveland Electric)	
Illuminating Company and Toledo Edison)	Case No. 12-1230-EL-SSO
Company for Authority to Establish a)	
Standard Service Offer Pursuant to)	
§4928.143, Ohio Rev. Code in the Form of)	
an Electric Security Plan.		

**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 Ohio Edison Company, The Cleveland Electric Illuminating Company and Toledo Edison Company (FirstEnergy). 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,



Judi L. Sobecki (0067186)
Randall V. Griffin (0080499)
The Dayton Power and Light Company
1065 Woodman Drive
Dayton, OH 45432
Telephone: (937) 259-7171
Facsimile: (937) 259-7178
Email: judi.sobecki@DPLINC.com
randall.griffin@DPLINC.com

Attorneys for The Dayton Power and Light
Company

MEMORANDUM IN SUPPORT

This proceeding involves the application of FirstEnergy to establish its SSO in the form of an Electric Security Plan (ESP) which is essentially a two-year extension of their current ESP. Among other provisions, FirstEnergy's plan includes competitive market-based auctions to serve FirstEnergy's full SSO energy load. FirstEnergy has also filed, contemporaneously with its application, and Stipulation and Motion for Waiver of Rules, and Request for Expedited Treatment which contemplates Commission action resolving all issues by May 2, 2012. The resolution of the issues in the proceeding will have a direct impact on wholesale energy suppliers' participation in the auction process, and the interests of transparency of the regulatory process dictate that DP&L be permitted to intervene in this proceeding.

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. No intervention deadline has been established in this proceeding, and no hearing has been scheduled by the Commission 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 FirstEnergy's ESP plan contemplates engaging in a Competitive Bidding Process for its SSO load. Accordingly, DP&L has a direct, real, and substantial interest in the issues and matters involved in the instant proceeding.

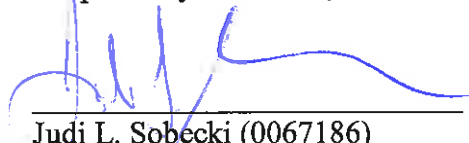
¹ R.C. §4903.221

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,



Judi L. Sobecki (0067186)
Randall V. Griffin (0080499)
The Dayton Power and Light Company
1065 Woodman Drive
Dayton, OH 45432
Telephone: (937) 259-7171
Facsimile: (937) 259-7178
Email: judi.sobecki@DPLINC.com
randall.griffin@DPLINC.com

Attorneys for The Dayton Power and Light
Company

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing has been served via electronic mail this 18th day of April, 2012 upon the following:

James W. Burk
Arthur E. Korkosz
Mark A. Hayden
Ebony L. Miller
FirstEnergy Service Company
76 South Main Street
Akron, OH 44308
burkj@firstenergycorp.com
haydenm@firstenergycorp.com
korkosza@firstenergycorp.com
elmiller@firstenergycorp.com

James F. Lang
Laura C. McBride
Calfee, Halter & Griswold LLP
1405 East Sixth Street
Cleveland, OH 44114
jlang@calfee.com
lmcbride@calfee.com

David A. Kutik
Jones Day
901 Lakeside Avenue
Cleveland, OH 44114
dakutik@JonesDay.com

Attorneys For Applicants, Ohio
Edison Company, The Cleveland
Electric Illuminating Company, And
The Toledo Edison Company

Thomas McNamee
Attorney General's Office
Public Utilities Section
180 East Broad Street, 6th Floor
Columbus, OH 43215
William.wright@puc.state.oh.us

Asim Z Haque
Christopher L. Miller
Gregory H. Dunn
Alan G. Starkoff
Ice Miller LLP
250 West Street
Columbus, OH 43215
Asim.haque@icemiller.com

Attorneys for Direct Energy Services, LLC
and Direct Energy Business LLC

Vincent Parisi
Matthew White
Interstate Gas Supply, Inc.
6100 Emerald Parkway
Dublin, OH 43016
vparisi@igsenergy.com
mwhite@igsenergy.com

Attorneys for
Interstate Gas Supply, Inc.

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

Attorneys for Exelon Generation Company,
LLC and Constellation NewEnergy, Inc.

Colleen L. Mooney
Ohio Partners for Affordable Energy
231 West Lima Street
Findlay, OH 45839-1793
cmooney2@columbus.rr.com

Attorney for Ohio partners for Affordable
Energy

Joseph M. Clark
6641 North High St., Suite 200
Worthington, OH 43085
jmclark@vectren.com

Attorney for Direct Energy Services, LLC
and Direct Energy Business LLC

Glenn Krassen
Bricker & Eckler LLP
1001 Lakeside Avenue
Cleveland, OH 44114
Telephone: (216) 523-5405
Facsimile: (216) 523-7071
gkrassen@bricker.com

Matthew W. Warnock
Bricker & Eckler LLP
100 South Third Street
Columbus, Ohio 43215
Telephone: (614) 227-2300
Facsimile: (614) 227-2390
mwarnock@bricker.com

Attorneys for the Northeast Ohio Public
Energy Council

Leslie A. Kovacik
City of Toledo
420 Madison Ave., Suite 100
Toledo, Ohio 43604-1219
leslie.kovacik@toledo.oh.gov

Counsel on behalf of the Northwest Ohio
Aggregation Coalition

Cynthia Fonner Brady
David I. Fein
550 W. Washington Street, Suite 300
Chicago, IL 60661
cynthia.a.fonner@constellation.com
david.fein@constellation.com

Robert Kelter
Environmental Law & Policy Center
35 East Wacker Drive, Suite 1600
Chicago, IL 60601
Phone: 312-795-3734
Fax: 312-795-3730
rkelter@elpc.org

Environmental Law and Policy Center

Christopher J. Allwein
Williams Allwein & Moser, L.L.C.
1373 Grandview Ave., Suite 212
Columbus, Ohio 43212
Phone: 614-429-3092
Fax: 614-670-8896
callwein@wamenergylaw.com

Natural Resources Defense Council

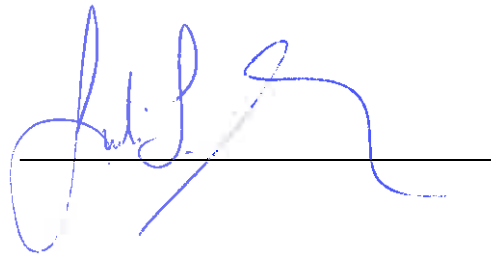
Thomas R. Hays
John Borell
Lucas County Prosecutors Office
700 Adams Street Suite 251
Toledo, Ohio 43604
trhayslaw@gmail.com
jaborell@co.lucas.oh.us

Counsel on behalf of the Northwest Ohio
Aggregation Coalition

Larry S. Sauer, Counsel of Record
Terry L. Etter
Melissa Yost
Assistant Consumers' Counsel
Office of the Ohio Consumers' Counsel
10 West Broad Street, Suite 1800
Columbus, OH 43215-3485
614-466-1312 (Telephone-Sauer)
614-466-7964 (Telephone-Etter)
614-466-1291 (Telephone-Yost)
sauer@occ.state.oh.us
etter@occ.state.oh.us
yost@occ.state.oh.us

Sandy I-ru Grace
Exelon Business Services Company
101 Constitution Avenue N.W., Suite 400 East
Washington, DC 20001
sandy.grace@exeloncorp.com

Stephen Bennett
Exelon Generation Company, LLC
300 Exelon Way
Kennett Square, PA 19348
stephen.bennett@exeloncorp.com

A handwritten signature in blue ink, appearing to read "Julie", is written over a solid black horizontal line. The signature is stylized and fluid.

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

4/18/2012 4:09:21 PM

in

Case No(s). 12-1230-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