

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of The)	
Dayton Power and Light Company for)	Case No. 13-2420-EL-UNC
Authority to Transfer or Sell Its)	
Generation Assets)	

**MOTION TO INTERVENE
BY
DUKE ENERGY OHIO, INC.**

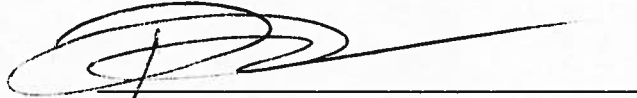
Comes now Duke Energy Ohio, Inc. (Duke Energy Ohio), by and through counsel, and moves to intervene, as a party of record in the above-captioned proceeding, pursuant to R.C. 4903.221 and O.A.C. 4901-1-11. The issues in this proceeding relate to the December 30, 2013, application of The Dayton Power and Light Company (DP&L) seeking the Public Utilities Commission of Ohio's (Commission) authority to transfer, sell, or decommission some or all of DP&L's generation assets and waivers from certain filing requirements.¹ Specifically, DP&L is proposing to separate, transfer, and sell its generating assets to an affiliate.² Several of the generating assets at issue in this proceeding are co-owned by Duke Energy Ohio. Therefore, Duke Energy Ohio has a real and substantial interest in this proceeding that is not adequately represented by existing parties.

¹ The Dayton Power and Light Company's Application to Transfer or Sell Its Generation Assets (December 30, 2013).

² *Id.*

Respectfully submitted,

DUKE ENERGY OHIO, INC.

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Rocco D'Ascenzo

Associate General Counsel

139 East Fourth Street

1303-Main

Cincinnati, Ohio 45202

(513) 287-4320 (telephone)

(513) 287-4385 (facsimile)

Rocco.D'Ascenzo@duke-energy.com

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MEMORANDUM IN SUPPORT

On December 30, 2013, DP&L filed an Application seeking the Commission's authority to transfer, sell, or decommission some or all of its generation assets and waivers from certain filing requirements.³ Specifically, DP&L states that it is proposing to transfer its generating assets from the utility to a newly formed affiliate generating company.⁴ DP&L's Application also seeks a waiver of the Commission rule that requires DP&L to state the fair market value of the generating assets it plans to transfer as well as a waiver of any hearing in this proceeding.

Ohio law allows for intervention in a Commission proceeding based on the Commission's consideration of the nature and extent of the prospective intervenor's interest, the legal position advanced and its probable relation to the merits of the case, whether intervention will unduly prolong or delay the proceeding, and whether the prospective intervenor will significantly contribute to full development and equitable resolution of the factual issues.⁵ According to the Commission's rules, a person may intervene if that person has a real and substantial interest in the proceeding and the person is so situated that disposition may impair or impeded the person's ability to protect that interest, unless adequately represented by existing

³ *Id.*, at 2.

⁴ *Id.*

⁵ R.C. 4903.221(B).

parties. Therefore, the Commission must consider, in addition to those factors spelled out in statute, the extent to which the person's interest is represented by existing parties.⁶

Regarding the criteria for intervention, Duke Energy Ohio's interest is unique as compared to other intervenors and parties to this proceeding. Particularly, Duke Energy Ohio owns facilities with DP&L at the Killen Station⁷ and the J.P. Stuart Plant⁸ and also owns with DP&L, William H. Zimmer Generating Station Unit 1,⁹ Conesville Station Unit 4,¹⁰ and Walter C. Beckjord Station Unit 6.¹¹ Indeed, DP&L's Application mentions cost responsibility issues with Duke Energy Ohio related to the Beckjord Station as one of the complex issues DP&L needs to resolve prior to completing separation.¹² Duke Energy Ohio has recently committed to transfer its ownership of generating assets to an affiliate. However, at present, the utility still retains ownership of such facilities and will until the asset transfer is completed, no later than December 31, 2014. Because of this co-ownership issue, decisions made by DP&L regarding the ownership of the aforementioned stations and the associated costs incurred will directly impact Duke Energy Ohio, at least until such time as the Company can complete its asset transfer. As such, Duke Energy Ohio should be permitted to intervene in order to protect its considerable investment in these plants, its own decisions regarding the continued ownership and operation of such assets, as well as the partnership regarding the co-ownership going forward. Thus, intervention is important to for Duke Energy Ohio to have the ability to protect its business

⁶ O.A.C. 4901-1-11.

⁷ Killen Station is a 600 MW facility operated by DP&L, jointly owned by Duke Energy Ohio, Columbus Southern Power (CSP) and DP&L.

⁸ J.P. Stuart Plant is a 2,400 MW coal-fired plant located in Aberdeen, Ohio, operated by DP&L, and co-owned by DP&L, Duke Energy Ohio and Ohio Power.

⁹ Zimmer Unit 1 is a 1300 MW generating unit in Moscow, Ohio, operated by Duke Energy Ohio, and co-owned by Duke Energy Ohio, DP&L and Ohio Power.

¹⁰ Conesville Unit 4 is a 780 MW generating unit located in Conesville, Ohio, jointly owned by Ohio Power, Duke, and DP&L.

¹¹ Beckjord Unit 6 is a 434 MW generating unit located at the Walter C. Beckjord Station near New Richmond, Ohio, operated by Duke Energy Ohio and co-owned by Duke Energy Ohio, DP&L and Ohio Power.

¹² The Dayton Power and Light Company's Application to Transfer or Sell Its Generation Assets (December 30, 2013) at 6.

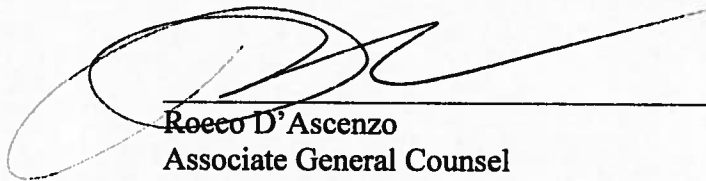
interests as the disposition of this proceeding may, as a practical matter, impede its ability to protect those interests.

Thus, Duke Energy Ohio has a real and substantial interest in the proceeding that is directly related to the merits of the case. No existing party represents Duke Energy Ohio's interests. Further, Duke Energy Ohio's participation will contribute to the development of the issues and an equitable resolution. Duke Energy Ohio's motion to seek intervention has been timely filed and its participation will not unduly prolong or delay this proceeding.

WHEREFORE, for the reasons set forth herein, Duke Energy Ohio respectfully requests that the Commission grant its motion for intervention in the above-captioned proceeding.

Respectfully submitted,

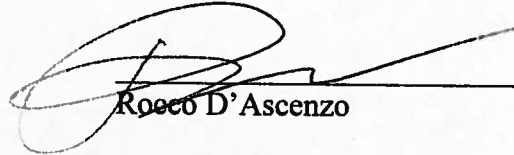
DUKE ENERGY OHIO, INC.

A handwritten signature in black ink, appearing to read 'Rocco D'Ascenzo', is written over a horizontal line.

Rocco D'Ascenzo
Associate General Counsel
139 East Fourth Street
1303-Main
Cincinnati, Ohio 45202
(513) 287-4320 (telephone)
(513) 287-4359 (facsimile)
Rocco.D'Ascenzo@duke-energy.com

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing was delivered via U.S. mail (postage prepaid), personal, or electronic mail delivery on this 8th day of January 2014, to the following:



Rocco D'Ascenzo

Judi L. Sobecki
The Dayton Power and Light
Company
1065 Woodman Drive
Dayton, Ohio 45432
Judi.sobecki@dplinc.com

On Behalf of The Dayton Power
And Light Company

William Wright
Public Utilities Commission of Ohio
180 East Broad St., 6th Floor
Columbus, Ohio 43215

Charles J. Faruki
Jeffrey S. Sharkey
FARUKI IRELAND & COX P.L.L
500 Courthouse Plaza, S.W.
10 North Ludlow Street
Dayton, Ohio 45402
cfaruki@ficlaw.com

Attorneys for The Dayton Power
And Light Company

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Summary: Motion Motion to Intervene by Duke Energy Ohio, Inc. electronically filed by Mrs. Kristen Ryan on behalf of Duke Energy Ohio and D'Ascenzo, Rocco Mr.