

BEFORE THE
PUBLIC UTILITIES COMMISSION OF OHIO

| | | |
|--|---|-------------------------|
| In the Matter of the Application of The |) | |
| Dayton Power & Light Company To |) | Case No. 15-1830-EL-AIR |
| Increase Its Rates For Electric Distribution |) | |
| |) | |
| In the Matter of the Application of The |) | |
| Dayton Power & Light Company For |) | Case No. 15-1831-EL-AAM |
| Accounting Authority |) | |
| |) | |
| In the Matter of the Application of The |) | |
| Dayton Power & Light Company For |) | Case No. 15-1832-EL-ATA |
| Approval of Revised Tariffs |) | |

**MOTION TO INTERVENE
OF HONDA OF AMERICA MFG., INC.**

Pursuant to Ohio Revised Code § 4903.221 and O.A.C. 4901-1-11, Honda of America Mfg., Inc. (“Honda”) hereby moves to intervene in these proceedings. Honda has a number of real and substantial interests in these proceedings and its interests, which may be prejudiced by the results of these proceedings, are not adequately represented by existing parties. Thus, as set forth more fully in the attached memorandum in support, Honda respectfully requests that the Commission grant this timely request to intervene.

Respectfully submitted,

/s/ N. Trevor Alexander

Steven D. Lesser (0020242)

James F. Lang (0059668)

N. Trevor Alexander (0080713)

CALFEE, HALTER & GRISWOLD LLP

41 S. High St.,

1200 Huntington Center

Columbus OH 43215

Telephone: (614) 621-1500

Email: slessen@calfee.com

Email: jlang@calfee.com

Email: talexander@calfee.com

Will accept service via email

ATTORNEYS FOR HONDA

BEFORE THE
PUBLIC UTILITIES COMMISSION OF OHIO

| | | |
|--|---|-------------------------|
| In the Matter of the Application of The |) | |
| Dayton Power & Light Company To |) | Case No. 15-1830-EL-AIR |
| Increase Its Rates For Electric Distribution |) | |
| |) | |
| In the Matter of the Application of The |) | |
| Dayton Power & Light Company For |) | Case No. 15-1831-EL-AAM |
| Accounting Authority |) | |
| |) | |
| In the Matter of the Application of The |) | |
| Dayton Power & Light Company For |) | Case No. 15-1832-EL-ATA |
| Approval of Revised Tariffs |) | |

**MEMORANDUM IN SUPPORT OF THE MOTION TO INTERVENE
OF HONDA OF AMERICA MFG., INC.**

I. Introduction

In this proceeding The Dayton Power & Light Company (“DP&L”) seeks to increase its distribution rates, accounting authority, and approval of revised tariffs (the “Application”). DP&L’s Application will significantly impact customers through, among other things, revised distribution rates, a new cost allocation methodology, new or revised programs, and retail issues. Honda is an active large industrial customer in DP&L’s service territory. Honda accordingly has a real and substantial interest in this proceeding, and the Commission’s disposition of this proceeding may impair or impede Honda’s ability to protect that interest. Thus, Honda respectfully requests that the Commission grant its motion to intervene in this proceeding.

II. Legal Standard

R.C. § 4903.221 provides that any “person who may be adversely affected by a public utilities commission proceeding” may intervene in the proceeding. The Commission’s own rules reinforce the right to intervene:

Upon timely motion, any person *shall be* permitted to intervene in a proceeding upon a showing that . . . [t]he 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.

O.A.C. 4901-1-11(A) (emphasis added). “The regulation’s text is very similar to Civ. R. 24 – the rule governing intervention in civil cases in Ohio – which is generally liberally construed in favor of intervention.” *Ohio Consumers’ Counsel v. Pub. Util. Comm.*, 111 Ohio St. 3d 384, 387 (2006) (internal quotations omitted). In considering a motion to intervene, the Commission’s rule directs that the Commission should consider: the nature and extent of the intervenor’s interest; the legal position advanced by the intervenor and its probable relation to the merits of the case; whether intervention will unduly prolong or delay the proceedings; whether the intervenor will significantly contribute to full development and equitable resolution of the factual issues; and the extent to which the intervenor’s interest is represented by existing parties. *See* O.A.C. 4901-1-11(B)(1)-(5); *see also* R.C. § 4903.221(B)(1)-(4). Honda’s motion to intervene satisfies each of these factors.

III. Argument

A. The Nature And Extent Of Honda’s Interest

Honda is directly affected by the Application as a large industrial customer in DP&L’s service territory. As such, Honda has a substantial interest in the outcome of this proceeding and in ensuring that the distribution rates are established appropriately. That interest cannot be represented by any other party to this proceeding, as no other party to this proceeding represents Honda’s interest as a customer.

B. The Legal Position Asserted By Honda

Honda supports DP&L's goals of providing safe and reliable distribution service. However, the specific details regarding how the Application is implemented may have a significant impact on Honda. As such, Honda seeks to intervene to ensure that DP&L's Application is implemented in an orderly manner consistent with all relevant legal principles.

C. Honda's Intervention Will Not Unduly Prolong Or Delay The Proceedings

The Application was filed on November 30, 2015. No intervention deadline has been established. As a result, Honda's Motion to Intervene is timely and will not prejudice any existing parties or unduly prolong or delay the proceedings.¹

D. Honda Will Contribute To The Full Development Of Factual Issues And Honda's Interests Are Not Already Represented By Existing Parties.

Honda is a large customer with extensive operations in DP&L's service territory, and as a result is uniquely situated to contribute to the full development of factual issues in this case. Honda has substantial experience in Commission proceedings, including DP&L's last two SSO proceedings, which experience may benefit the Commission's review of the Application.² Honda's participation will significantly contribute to the full development and resolution of the issues raised by the Application. Honda's interests are not already represented by existing parties, as no other party currently involved in this proceeding currently represents Honda's interests as a customer.

¹See O.A.C. 4901:1-11(E) (providing that a motion to intervene "will not be considered timely if it is filed later than five days prior to the scheduled date of hearing or any specific deadline established by order of the commission for purposes of a particular proceeding").

²See, e.g., Case No. 12-426-EL-SSO; Case No. 08-1094-EL-SSO.

IV. Conclusion

WHEREFORE, Honda respectfully requests that the Commission grant this Motion to Intervene and allow Honda to be made a party of record to this proceeding.

Respectfully submitted,

/s/ N. Trevor Alexander

Steven D. Lesser (0020242)

James F. Lang (0059668)

N. Trevor Alexander (0080713)

CALFEE, HALTER & GRISWOLD LLP

41 S. High St.,

1200 Huntington Center

Columbus OH 43215

Telephone: (614) 621-1500

Email: slesser@calfee.com

Email: jlang@calfee.com

Email: talexander@calfee.com

Will accept service via email

ATTORNEYS FOR HONDA

CERTIFICATE OF SERVICE

I certify that the foregoing was filed electronically through the Docketing Information System of the Public Utilities Commission of Ohio on this 22nd day of January, 2016. The PUCO's e-filing system will electronically serve notice of the filing of this document on counsel for all parties. Further, a courtesy copy has been served upon parties via electronic mail.

/s/ N. Trevor Alexander

One of the Attorneys for Honda

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

1/22/2016 12:14:57 PM

in

Case No(s). 15-1830-EL-AIR, 15-1831-EL-AAM, 15-1832-EL-ATA

Summary: Motion to Intervene electronically filed by Mr. Nathaniel Trevor Alexander on behalf of Honda of America Mfg., Inc.