

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of The)	
Dayton Power and Light Company for)	Case No. 16-0395-EL-SSO
Approval of Its Electric Security Plan.)	
)	
In the Matter of the Application of The)	
Dayton Power and Light Company for)	Case No. 16-0396-EL-ATA
Approval of Revised Tariffs.)	
)	
In the Matter of the Application of The)	
Dayton Power and Light Company for)	Case No. 16-0397-EL-AAM
Approval of Certain Accounting Authority)	
Pursuant to Ohio Rev. Code § 4905.13.)	

**MOTION TO INTERVENE BY
THE ENVIRONMENTAL LAW & POLICY CENTER**

Pursuant to Ohio Revised Code 4903.221 and Ohio Administrative Code 4901-1-11, the Environmental Law & Policy Center (“ELPC”) respectfully moves to intervene in the above-captioned proceedings. As explained more thoroughly in the attached Memorandum in Support, ELPC has a real and substantial interest in this case, in which the Dayton Power and Light Company (“DP&L”) seeks approval from the Public Utilities Commission of Ohio for an Electric Security Plan including cost recovery for a power purchase agreement supporting several coal plants owned by DP&L’s generation affiliate. Additionally, the interests of ELPC are not adequately represented by any other party to this matter and its participation in this proceeding will contribute to a just and expeditious resolution of the issues and questions. Further, ELPC’s participation will not unduly delay the proceedings or prejudice any other party.

ELPC respectfully requests this Commission grant its motion to intervene for these reasons and those set forth in more detail in the attached Memorandum in Support.

March 1, 2016

Respectfully submitted,

/s/ Madeline Fleisher

Madeline Fleisher

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**MEMORANDUM IN SUPPORT OF THE MOTION TO INTERVENE BY
THE ENVIRONMENTAL LAW & POLICY CENTER**

Ohio Revised Code (“R.C.”) 4903.221 states that “[a]ny other person who may be adversely affected by a public utilities commission proceeding may intervene in such proceeding” provided the Public Utilities Commission of Ohio (“PUCO” or “Commission”) makes certain determinations. The Environmental Law & Policy Center (“ELPC”) is a non-profit environmental advocacy organization whose mission is to improve the Midwest’s environmental quality and economic development. ELPC is an advocate for both environmental health and sustainable economic development. As a regional organization with a presence and members in Ohio, ELPC and its members may be adversely affected by the outcome of this proceeding, and its interests are not adequately represented by the other parties hereto.

R.C. 4903.221 requires the Commission to consider four factors when presented with a motion to intervene. In addition, the Commission’s procedural rules at Ohio Administrative Code (“Ohio Adm. Code”) 4901-11-1 similarly provide that it shall consider five factors when

weighing a motion to intervene. ELPC's motion meets all of the factors required by statute and rule.

Pursuant to R.C. 4903.221, the Commission must consider:

- (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; [and]
- (4) Whether the prospective intervenor will significantly contribute to full development and equitable resolution of the factual issues.

R.C. 4903.221(B).

With respect to the first factor, ELPC has a substantial interest in the application of the Dayton Power and Light Company ("DP&L") for approval of an Electric Security Plan. ELPC has an interest in ensuring the protection and promotion of cost-effective clean and efficient energy in the state. Further, ELPC has members in Ohio and its work focuses on Ohio energy and environmental issues. DP&L's application affects these interests because it proposes a rider under which DP&L's ratepayers would be committed to financially supporting previously unregulated coal plants owned by DP&L's generation affiliate, rather than clean energy sources.

As to the second factor, because of the potential impacts on ELPC and its Ohio members, ELPC seeks to ensure DP&L's application meets the applicable legal requirements, and if not, recommend appropriate solutions. Additionally, ELPC seeks the Commission's careful scrutiny of the reasonableness of DP&L's application, which implicates ELPC's interests in advocating for alternative energy solutions over reliance on polluting coal plants.

Under the third factor, ELPC's inclusion will not unduly delay or prolong the proceeding. The Commission has not yet set a procedural schedule for the case, and ELPC is committed to

working within any schedule that is imposed by this Commission to achieve the efficient and orderly disposition of the questions presented.

Finally, ELPC will significantly contribute to the full development and resolution of the proceeding by bringing its unique perspective to bear. ELPC has expertise and experience throughout the Midwest regarding clean energy policy that will contribute to resolving the pending issues, and has participated in multiple proceedings in other states regarding distribution rate design.

Similarly, ELPC meets the requirements set forth in Ohio Adm. Code 4901-11-1(B):

- (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;
- [and]
- (5) The extent to which the person's interest is represented by existing parties.

The first four factors mirror those in R.C. 4903.221, and for the same reasons as stated above, ELPC meets those factors. As to the fifth, ELPC maintains that no other party can adequately represent its interests as a regional environmental advocacy organization that also focuses on “green” economic development, including new manufacturing and job creation.

Finally, this Commission's policy is to “encourage the broadest possible participation in its proceedings.” *Cleveland Elec. Illum. Co.*, Case No. 85-675-EL-AIR, Entry at 2 (January 14, 1986). ELPC's inclusion in this proceeding will contribute to this goal of broad participation in PUCO proceedings.

Because ELPC meets the criteria set forth in both R.C. 4903.221 and Ohio Adm. Code 4901-11-1, it respectfully asks this Commission to grant its motion to intervene in the above-captioned proceedings.

Respectfully submitted,

/s/ Madeline Fleisher
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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing Motion to Intervene submitted on behalf of the Environmental Law & Policy Center was served by electronic mail, upon the following Parties of Record on March 1, 2016.

/s Madeline Fleisher
Madeline Fleisher

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This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

3/1/2016 4:14:40 PM

in

Case No(s). 16-0395-EL-SSO, 16-0396-EL-ATA, 16-0397-EL-AAM

Summary: Motion Motion to Intervene by the Environmental Law and Policy Center
electronically filed by Madeline Fleisher on behalf of Environmental Law and Policy Center