

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of The	)	
Dayton Power and Light Company for	)	Case No. 18-1875-EL-GRD
Approval of Its Plan to Modernize Its	)	
Distribution Grid.	)	

In the Matter of the Application of The	)	
Dayton Power and Light Company for	)	Case No. 18-1876-EL-WVR
Approval of a Limited Waiver of Ohio	)	
Adm.Code 4901:1-18-06(A)(2).	)	

In the Matter of the Application of The	)	
Dayton Power and Light Company for	)	Case No. 18-1877-EL-AAM
Approval of Certain Accounting	)	
Methods.	)	

**MOTION TO INTERVENE AND MEMORANDUM IN SUPPORT OF  
DIRECT ENERGY, LP**

In accordance with R.C. 4903.221 and Ohio Admin. Code 4901-1-11, Direct Energy, LP (Direct) requests issuance of an entry granting intervention in these proceedings. The reasons supporting this intervention are stated below in the Memorandum in Support.

## **MEMORANDUM IN SUPPORT**

R.C. 4903.221 and Ohio Admin. Code 4901-1-11 establish the standard for intervention.

Ohio Admin. Code 4901-1-11 states in part:

Upon timely motion, any person shall be permitted to intervene in a proceeding upon a showing that:

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(2) The 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.

In addition to establishment of a direct interest, the factors that the Commission considers in implementing the above rule are the nature of the intervenor's interest, the extent that interest is represented by existing parties, the intervenor's potential contribution to a just and expeditious resolution of the issues involved, and whether intervention would result in an undue delay of the proceeding. *See also* R.C. 4903.221(B). A review of these factors in light of the following facts supports granting Direct's intervention.

Direct holds certification as a competitive retail electric service provider from the Commission to engage in the competitive sale of electric service to retail customers in Ohio. Direct currently provides service to retail electric customers throughout the state, including in the Dayton Power & Light (DP&L) service territory. Direct has a real and substantial interest in this proceeding, including, but not limited to, access to interval data so that Direct can provide dynamic pricing products to customers in DP&L's territory, including residential customers.

Direct will advance legal positions that are directly relevant to the merits and Direct's position. Direct's direct and unique pecuniary interest cannot be represented by other intervenors. Direct's unique expertise and participation in the competitive retail and wholesale

markets in Ohio and across the country will significantly contribute to the development of a full and complete record to assist the Commission in its consideration of these proceedings. Finally, Direct's intervention will not unduly delay the instant proceedings.

Accordingly, Direct respectfully requests that the Commission grant this Motion to Intervene.

Dated: July 18, 2019

Respectfully submitted,

/s/ Mark A. Whitt

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ATTORNEYS FOR DIRECT ENERGY, LP

## **CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Motion to Intervene and Memorandum in

Support was served by electronic mail this 18th day of July, 2019 to the following:

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Summary: Motion to Intervene and Memorandum in Support electronically filed by Ms. Rebekah J. Glover on behalf of Direct Energy, LP