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October 17, 2007

**Via Fed Ex**

Public Utilities Commission of Ohio  
Docketing Division  
180 East Broad Street  
Columbus, OH 43215-3793

Re: **In the Matter of the Application of The Dayton Power and Light Company For Approval of its Proposed Economic Development Rider, 07-1079-EL-ATA.**

Dear Sir/Madam:

Enclosed please find for filing ten (10) copies of The Dayton Power and Light Company's Memorandum in Response to Motion to Intervene of Ohio Partners For Affordable Energy.

Please return the extra copy in the self addressed stamped envelope provided.

Sincerely,

Jenna Johnson-Holmes  
Administrative Assistant

Enclosures

This is to certify that the images appearing are an accurate and complete reproduction of a case file document delivered in the regular course of business.  
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**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

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**In the Matter of the Application of The ) Case No. 07-1079-EL-ATA  
Dayton Power and Light Company For )  
Approval of its Proposed Economic )  
Development Rider )  
)**

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**THE DAYTON POWER AND LIGHT COMPANY'S MEMORANDUM IN  
RESPONSE TO MOTION TO INTERVENE OF OHIO PARTNERS FOR  
AFFORDABLE ENERGY**

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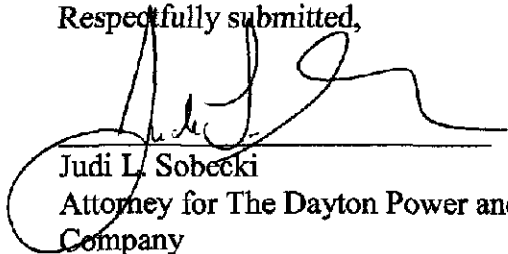
Ohio Partners for Affordable Energy ("OPAE") moved pursuant to R.C. §4903.221 and Section 4901-1-1-11 of the Ohio Administrative Code to intervene in this matter. The Dayton Power and Light Company ("DP&L" or the Company) believes that the Economic Development Rider will actually benefit the "low and moderate income Ohioans" for whom OPAE is an advocate, and for that reason, DP&L sees little reason for OPAE to intervene and potentially delay the proceedings here. Nonetheless, DP&L will not formally oppose OPAE's motion to intervene. DP&L does, however feel that it is necessary to make its position with respect to certain inappropriate assertions made by OPAE in its brief clear, reserves all rights regarding those assertions, and is filing this memorandum for that purpose.

OPAE makes several allegations concerning DP&L's intention in the future to apply to the Commission to recover the costs associated with the Economic Development Program which is the subject of this Application. Of particular concern to DP&L are OPAE's allegations that this Application represents an "unlawful request for recovery of deferred expenses" and "an unlawful, pre-approved distribution rate increase for customers of DP&L." OPAE's arguments put the cart before the horse. The concerns

raised by OP&E, while unfounded, can more properly be addressed in a future proceeding by DP&L in which the Company seeks to recover the costs of the Economic Development Program. This proceeding hasn't been filed yet, and OP&E's motion to intervene in this action to be heard on subjects not yet before the Commission is premature and improper.

As noted earlier, DP&L does not wish to interject any additional delay into these proceedings, and therefore will refrain from formally opposing OP&E's motion to intervene. That said, by not opposing the motion to intervene itself, DP&L is in no way, and by no means waiving any argument it may have with respect to the propriety of recovery of the costs associated with the Program. DP&L reserves all rights to address the substance of those issues in the future in the proper manner—in a separate proceeding seeking to recover the costs of the program. In addition, DP&L asks that the scope of OP&E's intervention and input be limited to the issues actually before the Commission in this proceeding—DP&L's request to implement an Economic Development Rider—and that OP&E not be permitted to argue the merits of future requests to recover costs. To the extent OP&E does stray into these areas DP&L asks that all such arguments be stricken and not considered in determining whether to approve this application to implement the Economic Development Rider itself.

Respectfully submitted,



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Company  
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**CERTIFICATE OF SERVICE**

I hereby certify a copy of the foregoing was served via First Class U.S. Mail,  
postage prepaid, this 17<sup>th</sup> day of October, 2007, upon the following:

David Rinebolt  
Ohio Partners for Affordable Energy  
231 West Lima Street  
P.O. Box 1793  
Findlay, Ohio 45839-1793

Duane Luckey  
Attorney General's Office  
Public Utilities Section  
180 East Broad Street, 9<sup>th</sup> Floor  
Columbus, Ohio 43215

