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FILE

BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

FAX

In the Matter of the Application of The Dayton Power and Light Company for Approval of Its Electric Security Plan. : Case No. 08-1094-EL-SSO

In the Matter of the Application of The Dayton Power and Light Company for Approval of Revised Tariffs. : Case No. 08-1095-EL-ATA

In the Matter of the Applications of The Dayton Power and Light Company for Approval of Certain Accounting Authority Pursuant to Ohio Rev. Code § 4905.13. : Case No. 08-1096-EL-AAM

In the Matter of the Application of The Dayton Power and Light Company for Approval of Its Amended Corporate Separation Plan. : Case No. 08-1097-EL-UNC

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MOTION TO INTERVENE
AND
REQUEST FOR LEAVE TO FILE MOTION TO INTERVENE OUT OF TIME
OF
THE EDMONT NEIGHBORHOOD COALITION

In these applications, The Dayton Power and Light Company seeks approval of an electric security plan pursuant to Amended Substitute Senate Bill No. 221 ("SB 221").

As discussed in the accompanying memorandum, The Edgemont Neighborhood Coalition ("Edgemont") has a real and substantial interest in this proceeding, and is so situated that the disposition of this proceeding may, as a practical matter, impair or impede its ability to protect that interest. Further, Edgemont's interest in this proceeding is not represented by any existing party, and its participation in this proceeding will contribute to a just and expeditious resolution of the issues involved without unduly delaying the proceeding or unjustly prejudicing any existing party. Accordingly, Edgemont hereby moves to

intervene in this proceeding pursuant to Section 4903.221, Revised Code, and Rule 4901-

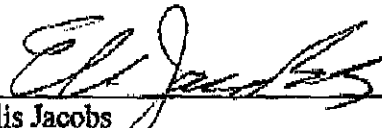
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1-11, Ohio Administrative Code.

Edgemont recognizes that the procedural entry issued in this proceeding on November 26, 2008 established December 10, 2008 as the due date for motions to intervene. Edgemont has not intervened in any of the other SB 221 SSO cases now pending before the Commission and undersigned counsel was unaware of the November 26, 2008 entry in these dockets. Therefore, Edgemont respectfully requests that the Commission entertain its motion to intervene, notwithstanding that it is filed after the specified due date. Granting Edgemont leave to file its motion to intervene out of time would be consistent with the Commission's policy of encouraging the broadest possible participation in its proceedings (see, e.g., Cleveland Elec. Illum. Co., Case No. 85-675-EL-AIR, Entry dated January 14, 1986, at 2), and would be consistent with the disposition of similar requests to file motions to intervene out of time in other SSO proceedings [see Duke Energy Ohio, Case No. 08-920-EL-SSO (Entry dated September 17, 2008), at 4]. Further, in view of the procedural posture of the case, no party will be prejudiced by granting Edgemont's request. If its motion to intervene is granted, Edgemont will, of course, accept the record as it finds it. THEREFORE, Edgemont respectfully requests that the Commission grant its intervention.

Respectfully submitted,


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**BEFORE
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	:	

MEMORANDUM IN SUPPORT
OF
MOTION TO INTERVENE
OF
THE EDMONT NEIGHBORHOOD COALITION

Section 4903.221, Revised Code, provides that any "person who may be adversely affected by a public utilities commission proceeding may intervene in such proceeding." The Edgemont Neighborhood Coalition ("Edgemont") is a non-profit, charitable organization with an office in the Edgemont neighborhood of Dayton. The Coalition provides a variety of services to neighborhood residents. These services include counseling and referral for utility payment problems and for home weatherization needs. The neighborhood is a primarily African American inner city neighborhood.

Most of the residents have extremely low incomes and are particularly sensitive to changes in the cost of electric services. They also live in older homes which have specific weatherization needs.

The organization operates an office and green house and purchases electric service from DP&L. It operates on a very slim budget and, like the residents of the neighborhood which it serves, is also sensitive to changes in electric rates and is in need of appropriate energy efficiency services.

For these reasons it has a real and substantial interest in these proceedings.

Further, not only does Edgemont satisfy the underlying statutory test, but it also satisfies the standards governing intervention set forth in the Commission's rules.

Rule 4901-1-11(A), Ohio Administrative Code ("OAC"), provides, in pertinent part, as follows:

- A. Upon timely motion, any person shall be permitted to intervene in a proceeding upon a showing that:
 - (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 ability to protect that interest, unless the person's interest is adequately represented by existing parties

Edgemont plainly has a real and substantial interest in a proceeding that will impact electric rates and the availability of energy efficiency programs. None of the other pending motions to intervene in this case are from parties which adequately represent the interest of Edgemont, a community organization representing low-income rate payers in the largest urban area in the DP&L territory and a small business purchasing electric services for its own operations.

Each of the specific considerations that the Commission may, by rule, take into account in applying the Rule 4901-1- 11(A) (2), OAC, standard, also fully support granting Edgemont's motion to intervene. Rule 4901-1- 11(B), OAC, provides as follows:

In deciding whether to permit intervention under paragraph (A) (2) of this rule, the commission, the legal director, the deputy legal director, or an attorney examiner case shall 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.
- (4) Whether the prospective intervenor will significantly contribute to fill development and equitable resolution of the factual issues.
- (5) The extent to which the person's interest is represented by existing parties;

First, as explained above, Edgemont's interest in the proposals contained in these applications relating to rates and energy efficiency mandates is direct and substantial. Second, Edgemont will advocate that the rates paid by customers be reasonable, that service be adequate and that the measures ultimately adopted be effective and consistent with the legislative intent underlying SB 221. Third, in view of the fact that the proceeding has just commenced, granting Edgemont's motion to intervene will not unduly delay or prolong the proceeding. Fourth, Edgemont will bring valuable insights that will expedite the effective treatment of these cases. Finally, not only are there no existing parties that represent Edgemont's interests, but it would be inconsistent with the Commission's stated policy "to encourage the broadest possible participation in its

proceedings" (see, e.g., Cleveland Elec. Illum. Co., Case No. 85-675-EL-AIR, Entry dated January 14, 1986, at 2) to apply the Rule 4901-1-11(B)(5) standard in a manner that would exclude Edgemont from this case. Thus, granting Edgemont intervenor status is consistent with all the considerations set out in Rule 4901-1-11(B), OAC.

WHEREFORE, Edgemont respectfully requests that the Commission grant its motion to intervene.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing has been served upon the following parties by first class mail, postage prepaid, this 7th day of January, 2009.



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