

RECEIVED-DOCKETING DIV  
2009 MAY -5 PM 4:55  
PUCO

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of The )  
Dayton Power and Light Company for )  
Approval of its Transmission Cost )  
Recovery Rider. )

Case No. 09-256-EL-UNC

---

**MOTION TO INTERVENE AND MEMORANDUM IN SUPPORT OF  
INDUSTRIAL ENERGY USERS-OHIO**

---

Samuel C. Randazzo (Counsel of Record)  
Lisa G. McAlister  
Joseph M. Clark  
McNees Wallace & Nurick LLC  
21 East State Street, 17TH Floor  
Columbus, OH 43215  
Telephone: (614) 469-8000  
Telecopier: (614) 469-4653  
sam@mwncmh.com  
lmcAlister@mwncmh.com  
jclark@mwncmh.com

**May 5, 2009**

**Attorneys for Industrial Energy Users-Ohio**

{C27910: }

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  
technician \_\_\_\_\_ Date Processed MAY 5 2009

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of The     )  
Dayton Power and Light Company for     )  
Approval of its Transmission Cost         )  
Recovery Rider.                             )     Case No. 09-256-EL-UNC

---

**MOTION TO INTERVENE AND MEMORANDUM IN SUPPORT OF  
INDUSTRIAL ENERGY USERS-OHIO**

---

Industrial Energy Users-Ohio ("IEU-Ohio") hereby respectfully moves the Public Utilities Commission of Ohio ("Commission"), pursuant to Section 4903.221, Revised Code, and Rule 4901-1-11, Ohio Administrative Code ("O.A.C."), for leave to intervene in the above-captioned matter with the full powers and rights granted by the Commission, specifically by statute or by the provisions of the O.A.C., to intervening parties.

On March 27, 2009 The Dayton Power and Light Company ("DP&L") filed an Application to recover all transmission and transmission-related costs charged to DP&L by PJM Interconnection, LLC ("PJM") through a Transmission Cost Recovery Rider ("TCRR").

As demonstrated further in the Memorandum in Support attached hereto and incorporated herein, IEU-Ohio has a direct, real, and substantial interest in the issues and matters involved in the above-captioned 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. IEU-Ohio believes that its participation will not unduly prolong or delay these proceedings and that it will significantly contribute to the full development and equitable resolution of the factual and other issues in this proceeding. The interests of IEU-Ohio will not be adequately represented by other parties to the proceedings and, as such, IEU-Ohio is entitled to intervene with the full powers and rights granted by the Commission, specifically by statute and by the provisions of the Ohio Administrative Code to intervening parties.

Respectfully submitted,

  
\_\_\_\_\_  
Samuel C. Randazzo (Counsel of Record)  
Lisa G. McAlister  
Joseph M. Clark  
McNees Wallace & Nurick LLC  
21 East State Street, 17TH Floor  
Columbus, OH 43215  
Telephone: (614) 469-8000  
Telecopier: (614) 469-4653  
sam@mwncmh.com  
lmcAlister@mwncmh.com  
jclark@mwncmh.com

**Attorneys for Industrial Energy Users-Ohio**

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of The    )  
Dayton Power and Light Company for    )  
Approval of its Transmission Cost        )  
Recovery Rider.                            )     Case No. 09-256-EL-UNC

---

**MEMORANDUM IN SUPPORT**


---

In support of this Motion to Intervene, IEU-Ohio states that it is an association of ultimate customers. A current listing of IEU-Ohio member companies is available on IEU-Ohio's website at [http://www.ieu-ohio.org/member\\_list.aspx](http://www.ieu-ohio.org/member_list.aspx). IEU-Ohio's members purchase electricity from DP&L, which is a public utility subject to the jurisdiction of the Commission.

IEU-Ohio's members work together to address matters that affect the availability and price of utility services. Additionally, IEU-Ohio seeks to promote customer-driven policies that will assure an adequate, reliable, and efficient supply of energy for all consumers at competitive prices. To this end, IEU-Ohio has worked, and will continue to work, to produce legislative, regulatory, and market outcomes that are consistent with the state policy contained in Section 4928.02, Revised Code. IEU-Ohio members have been, and continue to be, active participants in state and federal regulatory proceedings concerning Ohio's electric utilities, including DP&L's rate stabilization plan and electric security plan proceedings.

Several of IEU-Ohio's member companies are served by DP&L and may be affected by DP&L's proposed TCRR Application. IEU-Ohio has a real and substantial interest inasmuch as these proceedings may directly or indirectly impact the provision of electric service to IEU-Ohio members' manufacturing facilities. Specifically, IEU-Ohio's direct interest in these proceedings is the result of the effect that these proceedings shall have upon the price, adequacy, and reliability of the electric supply and related services within Ohio, including the areas presently served by DP&L.

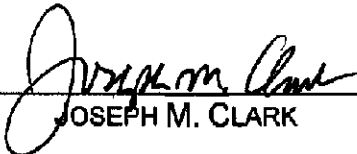
For the aforementioned reasons, IEU-Ohio has a direct, real, and substantial interest in the issues and matters involved in the above-captioned proceeding that will only be protected by its participation in this proceeding. Therefore, IEU-Ohio hereby requests that the Commission grant its intervention with the full powers and rights granted by the Commission, specifically by statute and by the provisions of the O.A.C., to intervening parties.

  
\_\_\_\_\_  
Samuel C. Randazzo (Counsel of Record)  
Lisa G. McAlister  
Joseph M. Clark  
McNees Wallace & Nurick LLC  
21 East State Street, 17TH Floor  
Columbus, OH 43215  
Telephone: (614) 469-8000  
Telecopier: (614) 469-4653  
sam@mwncmh.com  
lmcAlister@mwncmh.com  
jclark@mwncmh.com

**Attorneys for Industrial Energy Users-Ohio**

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing *Motion to Intervene and Memorandum in Support of Industrial Energy Users-Ohio* was served upon the following parties of record this 5th day of May, 2009, via first class mail, postage prepaid.

  
\_\_\_\_\_  
JOSEPH M. CLARK

Judi L. Sobecki  
Randall V. Griffin  
The Dayton Power and Light Company  
1065 Woodman Drive  
Dayton, Ohio 45432

**ON BEHALF OF THE DAYTON POWER AND LIGHT COMPANY**

Janine Migden-Ostrander  
Consumers' Counsel  
Jacqueline Lake Roberts, Counsel of Record  
Assistant Consumers' Counsel  
Office of the Ohio Consumers' Counsel  
10 West Broad Street, Suite 1800  
Columbus, Ohio 43215-3485

**ON BEHALF OF THE OFFICE OF THE OHIO CONSUMERS' COUNSEL**