

FILE

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of The Dayton )  
Power and Light Company to Establish a Fuel ) Case No. 09-1012-EL-UNC  
Rider. )

---

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

---

RECEIVED-DOCKETING DIV  
2009 DEC 11 PM 5:04  
PUCO

Samuel C. Randazzo (Counsel of Record)  
Lisa G. McAlister  
Joseph M. Clark  
MCNEES WALLACE & NURICK LLC  
21 East State Street, 17<sup>TH</sup> Floor  
Columbus, OH 43215  
Telephone: (614) 469-8000  
Telecopier: (614) 469-4653  
sam@mwncmh.com  
lmcalister@mwncmh.com  
jclark@mwncmh.com

December 11, 2009

**Attorneys for Industrial Energy Users-Ohio**

(C29760: )

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 BJM Date Processed 12/14

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of The Dayton )  
Power and Light Company to Establish a Fuel )      Case No. 09-1012-EL-UNC  
Rider. )

---

**MOTION TO INTERVENE OF INDUSTRIAL ENERGY USERS-OHIO**

---

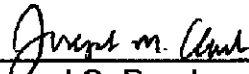
Industrial Energy Users-Ohio ("IEU-Ohio") hereby respectfully moves the Public Utilities Commission of Ohio ("Commission"), pursuant to Section 4903.221, Revised Code, and Rule 4901-1-11, Ohio Administrative Code, for leave to intervene in the above-captioned matters with the full powers and rights granted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

On October 30, 2009, the Dayton Power and Light Company ("DP&L") filed an Application to establish a bypassable fuel recovery rider pursuant to its approved Stipulation and Recommendation in its electric security plan ("ESP") case.

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 proceedings, and is so situated that the disposition of these proceedings 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 these proceedings. 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, 17<sup>TH</sup> 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 to Establish a Fuel ) Case No. 09-1012-EL-UNC  
Rider. )

---

**MEMORANDUM IN SUPPORT**

---

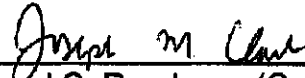
In support of this Motion to Intervene, IEU-Ohio states that it is an association of ultimate customers. A current listing of IEU-Ohio member companies is available on IEU-Ohio's website at [http://www.ieu-ohio.org/member\\_list.aspx](http://www.ieu-ohio.org/member_list.aspx). IEU-Ohio's members purchase substantial amounts of electric and related services 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, including actively participating in the legislative process related to SB 221, 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.

Many of IEU-Ohio's member companies are served by DP&L and may be affected by DP&L's proposed fuel recovery rider. 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.

Respectfully submitted,



Samuel C. Randazzo (Counsel of Record)

Lisa G. McAlister

Joseph M. Clark

MCNEES WALLACE & NURICK LLC

Fifth Third Center

21 East State Street, 17<sup>th</sup> Floor

Columbus, OH 43215-4228

Telephone: (614) 469-8000

Telecopier: (614) 469-4653

sam@mwncmh.com

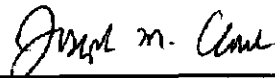
lmcalister@mwncmh.com

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 11<sup>th</sup> day of December 2009, via first class mail, postage prepaid.

  
\_\_\_\_\_  
Joseph M. Clark

Randall V. Griffin  
Judi L. Sobecki  
The Dayton Power and Light Company  
1065 Woodman Drive  
Dayton, OH 45432  
[Randall.Griffin@DPLINC.com](mailto:Randall.Griffin@DPLINC.com)  
[Judi.Sobecki@DPLINC.com](mailto:Judi.Sobecki@DPLINC.com)

**On Behalf of The Dayton Power and  
Light Company**

Janine Migden-Ostrander  
Consumers' Counsel  
Michael Idzkowski  
Assistant Consumers' Counsel  
Office of the Ohio Consumers' Counsel  
10 West Broad Street, Suite 1800  
Columbus, OH 43215-3485  
[idzkowski@occ.state.oh.us](mailto:idzkowski@occ.state.oh.us)

**On Behalf of The Office of the Ohio  
Consumers' Counsel**