

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of)	
The Dayton Power and Light Company for an)	
Amendment of the 2009 Solar Energy)	Case No. 09-1989-EL-ACP
Resource Benchmark, Pursuant to)	
Section 4928.64(C)(4), Ohio Revised Code.)	

**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

January 5, 2010

Attorneys for Industrial Energy Users-Ohio

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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 December 23, 2009, the Dayton Power and Light Company ("DP&L") filed an Application for a *force majeure* determination related to its 2009 solar energy resource requirements under Section 4928.64, Revised Code.

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,

/s/ Joseph M. Clark

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

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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. 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 IEU-Ohio member companies are served by DP&L and may be affected by DP&L's request for a *force majeure* determination related to its 2009 renewable energy resource compliance obligation under Section 4928.64, Revised Code. 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,

/s/ Joseph M. Clark

Samuel C. Randazzo (Counsel of Record)

Lisa G. McAlister

Joseph M. Clark

McNEES WALLACE & NURICK LLC

Fifth Third Center

21 East State Street, 17th Floor

Columbus, OH 43215-4228

Telephone: (614) 469-8000

Telecopier: (614) 469-4653

sam@mwncmh.com

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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 January 2010, via first class mail, postage prepaid.

/s/ Joseph M. Clark
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
Judi.Sobecki@DPLINC.com

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

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Summary: Motion Motion to Intervene and Memorandum in Support of Industrial Energy Users-Ohio electronically filed by Mr. Joe Clark on behalf of Industrial Energy Users-Ohio and Clark, Joseph M. Mr.