

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Report of Energy	)	
Efficiency and Peak Demand Reduction	)	Case No. 10-303-EL-POR
Portfolio Plan Status Report Filing Pursuant	)	
To Section 4901:1-39-05(C).	)	

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**OHIO PARTNERS FOR AFFORDABLE ENERGY'S  
MOTION TO INTERVENE  
AND MEMORANDUM IN SUPPORT  
AND MOTION TO PRACTICE PRO HAC VICE  
BEFORE THE COMMISSION**

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Ohio Partners for Affordable Energy ("OPAE") hereby respectfully moves the Public Utilities Commission of Ohio ("Commission") for leave to intervene in the above-captioned matters pursuant to R.C. §4903.221 and Section 4901-1-11 of the Commission's Code of Rules and Regulations, with full powers and rights granted by the Commission specifically, by statute or by the provisions of the Commission's Code of Rules and Regulations to intervening parties. The reasons for granting this motion are contained in the memorandum attached hereto and incorporated herein.

Respectfully submitted,

/s/David C. Rinebolt

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**MEMORANDUM IN SUPPORT OF MOTION TO INTERVENE**

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Ohio Partners for Affordable Energy (“OPAE”) should be permitted to intervene in these matters pursuant to Section 4903.22.1, Revised Code, and the Commission’s Rules and Regulations contained in Rule 4901-01-11 of the Ohio Administrative Code. The cases concern the Status Report on energy efficiency and peak demand reduction programs of The Dayton Power and Light Company (the Company).

In determining whether to permit intervention, the following criteria are to be considered: the nature of the person’s interest; the extent to which that interest is represented by existing parties; the person’s potential contribution to a just and expeditious resolution of the proceeding; and, whether granting the intervention will unduly delay or unjustly prejudice any existing party. OPAE meets all four criteria.

OPAE is an Ohio corporation with a stated purpose of advocating for affordable energy policies for low and moderate income Ohioans; as such, OPAE has a real and substantial interest in these matters, which will address the Company’s Status Report for energy efficiency and peak demand reduction programs. Additionally, OPAE includes as members non-profit organizations located in the service areas that will be affected by these applications.<sup>1</sup> Moreover, many of OPAE’s members are community action agencies. Under the federal legislation

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<sup>1</sup> A list of OPAE members can be found on the website: [www.ohiopartners.org](http://www.ohiopartners.org).

authorizing the creation and funding of these agencies, originally known as the Economic Opportunity Act of 1964, community action is charged with advocating for low-income residents of their communities.<sup>2</sup>

OPAE also provides essential services in the form of bill payment assistance programs and weatherization and energy efficiency services to low income customers of the Company.

OPAE's primary interest in these cases is to protect the interests of low and moderate income Ohioans and OPAE members whose provision of electric distribution service will be affected by these matters, which address the Companies' Status Report. OPAE also seeks to ensure that the outcome of these matters promotes successful energy efficiency programs for low and

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<sup>2</sup> See 42 U.S.C. 672:

The purposes of this subtitle are--

(1) to provide assistance to States and local communities, working through a network of community action agencies and other neighborhood-based organizations, for the reduction of poverty, the revitalization of low-income communities, and the empowerment of low-income families and individuals in rural and urban areas to become fully self-sufficient (particularly families who are attempting to transition off a State program carried out under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.)); and

(2) to accomplish the goals described in paragraph (1) through--

(A) the strengthening of community capabilities for planning and coordinating the use of a broad range of Federal, State, local, and other assistance (including private resources) related to the elimination of poverty, so that this assistance can be used in a manner responsive to local needs and conditions;

(B) the organization of a range of services related to the needs of low-income families and individuals, so that these services may have a measurable and potentially major impact on the causes of poverty in the community and may help the families and individuals to achieve self-sufficiency;

(C) the greater use of innovative and effective community-based approaches to attacking the causes and effects of poverty and of community breakdown;

(D) the maximum participation of residents of the low-income communities and members of the groups served by programs assisted through the block grants made under this subtitle to empower such residents and members to respond to the unique problems and needs within their communities; and

(E) the broadening of the resource base of programs directed to the elimination of poverty so as to secure a more active role in the provision of services for--

(i) private, religious, charitable, and neighborhood-based organizations; and

(ii) individual citizens, and business, labor, and professional groups, who are able to influence the quantity and quality of opportunities and services for the poor.

moderate income Ohioans at a reasonable cost. OPAE will also address any other issues that may arise during consideration. OPAE has been recognized by the Commission in the past as an advocate for consumers and particularly low-income consumers, who may be affected by the outcome of these cases.

For the above reasons, OPAE has a direct, real and substantial interest in these matters. The disposition of these matters may impair or impede the ability of OPAE to protect its interests. No other party to the matters will adequately represent the interests of OPAE. OPAE is a rare organization that serves as an advocate, service provider and nonprofit customer group. No other party represents this group of interests. OPAE's participation in these matters will not cause undue delay, will not unjustly prejudice any existing party, and will contribute to the just and expeditious resolution of the.

Therefore, OPAE is entitled to intervene in these matters with the full powers and rights granted by statute and by the provisions of the Commission's Codes of Rules and Regulations to intervening parties.

Respectfully submitted,

/s/ David C. Rinebolt

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**MOTION TO ADMIT DAVID C. RINEBOLT TO PRACTICE  
PRO HAC VICE BEFORE THE COMMISSION**

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Pursuant to Rule 4901-1-08(B) of the Ohio Administrative Code, Colleen L. Mooney (0015668), an attorney licensed to practice in the State of Ohio, respectfully petitions the Commission to permit David C. Rinebolt to practice *pro hac vice* before the Commission in the above-referenced applications. Mr. Rinebolt represents Ohio Partners for Affordable Energy, which is an Ohio corporation engaged in advocating for affordable energy policies.

Mr. Rinebolt graduated from the Columbus School of Law of the Catholic University of America in May 1981. As an active member of the District of Columbia Bar, Bar No. 367210, Mr. Rinebolt is licensed to practice before the federal courts of the District of Columbia. Furthermore, Mr. Rinebolt has practiced law continuously since being admitted to the District of Columbia bar in October 1982. He has been granted permission to practice *pro hac vice* before this Commission on numerous occasions.

WHEREFORE, Colleen L. Mooney respectfully requests that David C. Rinebolt be permitted to practice before the Commission in the aforementioned matters.

Respectfully submitted,

/S/ Colleen L. Mooney dcr

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## CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion to Intervene and Memorandum of Support and Motion to Practice Pro Hac Vice was served by regular U.S. Mail upon the parties of record identified below in this case on this 13th day of April 2010.

/S/David C. Rinebolt

David C. Rinebolt

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**Case No(s). 10-0455-EL-ATA, 10-0303-EL-POR**

Summary: Motion Motion to Intervene, Memorandum in Support, and Motion Pro Hac Vice  
electronically filed by Mr. David C Rinebolt on behalf of Ohio Partners for Affordable Energy