

5

RECEIVED-DOCKETING DIV

2011 JUN - 1 AM 10:52

PUCO

FILE

BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of Application of The AES )  
Corporation, Dolphin Sub, Inc., DPL Inc. )  
and The Dayton Power and Light )  
Company for Consent and Approval for ) Case No. 11-3002-EL-MER.  
a Change of Control of The Dayton )  
Power and Light Company. )

---

OHIO PARTNERS FOR AFFORDABLE ENERGY'S  
MOTION TO INTERVENE AND MEMORANDUM IN SUPPORT

---

Ohio Partners for Affordable Energy ("OPAE") hereby respectfully moves the Public Utilities Commission of Ohio ("Commission") for leave to intervene in the above-captioned matter 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 to intervene are contained in the memorandum attached hereto and incorporated herein.

Respectfully submitted,

*Colleen Mooney*

---

Colleen L. Mooney  
Ohio Partners for Affordable Energy  
231 West Lima Street  
P.O. Box 1793  
Findlay, OH 45839-1793  
Telephone: (419) 425-8860  
FAX: (419) 425-8862  
e-mail: [cmooney2@columbus.rr.com](mailto:cmooney2@columbus.rr.com)

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           A           Date Processed JUN 01 2011

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of Application of The AES )  
Corporation, Dolphin Sub, Inc., DPL Inc. )  
and The Dayton Power and Light )  
Company for Consent and Approval for ) Case No. 11-3002-EL-MER  
a Change of Control of The Dayton )  
Power and Light Company. )

---

**MEMORANDUM IN SUPPORT OF MOTION TO INTERVENE**

---

Ohio Partners for Affordable Energy ("OPAE") should be permitted to intervene in this matter 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 above-referenced application made by The AES Corporation, Dolphin Sub, Inc., DPL Inc., and The Dayton Power and Light Company ("DP&L") requests consent and approval for a change of control of DP&L.

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 for intervention in this matter.

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 this matter. Additionally, OPAE includes as members non-profit organizations located in the service area that will be affected by the matter.<sup>1</sup> Moreover, many of OPAE's members are community action agencies. Under the federal legislation authorizing the creation and funding of these agencies,

---

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

originally known as the Economic Opportunity Act of 1964, community action agencies are 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 DP&L. OPAE members are also ratepayers of DP&L.

OPAE's primary interest in this matter is to protect the interests of low and moderate income customers of DP&L and OPAE members whose provision of service may be affected by this application. OPAE also seeks to address any other such issues as may arise during consideration of this matter. Further, OPAE has been recognized by the Commission in the past as an advocate for consumers and

---

<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.

particularly low-income consumers, all of whom will be affected by the outcome of this case.

For the above reasons, OPAE has a direct, real and substantial interest in this matter. The disposition of this matter may impair or impede the ability of OPAE to protect its interests. No other party to the matter 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 this matter will not cause undue delay, will not unjustly prejudice any existing party, and will contribute to the just and expeditious resolution of the issues raised by this matter.

Therefore, OPAE is entitled to intervene in this matter 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,

*Colleen L. Mooney*

---

Colleen L. Mooney  
Ohio Partners for Affordable Energy  
231 West Lima Street  
Findlay, OH 45840  
Telephone: (419) 425-8860  
FAX: (419) 425-8862  
[cmooney2@columbus.rr.com](mailto:cmooney2@columbus.rr.com)

## CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion to Intervene and Memorandum of Support was served by regular U.S. Mail upon the parties of record identified below in this case on this 31<sup>st</sup> day of May 2011.

*Colleen Mooney*

---

Colleen L. Mooney

### SERVICE LIST

Daniel R. Conway  
Andrew C. Emerson  
Porter Wright Morris & Arthur LLP  
41 South High Street  
Suites 2800-3200  
Columbus, Ohio 43215-6194  
[dconway@porterwright.com](mailto:dconway@porterwright.com)

Joseph E. Oliker  
Samuel C. Randazzo  
Frank P. Darr  
McNees Wallace & Nurick LLC  
21 East State Street, 17<sup>th</sup> Floor  
Columbus, Ohio 43215  
[sam@mwncmh.com](mailto:sam@mwncmh.com)  
[fdarr@mwncmh.com](mailto:fdarr@mwncmh.com)  
[joliker@mwncmh.com](mailto:joliker@mwncmh.com)

Arthur G. Meyer  
The Dayton Power and Light Company  
1065 Woodman Drive  
Dayton, Ohio 45432  
[Arthur.meyer@dplinc.com](mailto:Arthur.meyer@dplinc.com)

Charles J. Faruki  
Jeffrey S. Sharkey  
Faruki Ireland & Cox P.L.L.  
500 Courthouse Plaza, S. W.  
10 North Ludlow Street  
Dayton, Ohio 45402  
[cfaruki@ficlaw.com](mailto:cfaruki@ficlaw.com)

William Wright  
Attorney General's Office  
Public Utilities Commission Section  
180 E. Broad Street, 9<sup>th</sup> Floor  
Columbus, Ohio 43215-3793  
[William.Wright@puc.state.oh.us](mailto:William.Wright@puc.state.oh.us)