

**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of	)	
The Dayton Power and Light Company	)	Case No. 12-426-EL-SSO
for Approval of Its Market Rate Offer.	)	
In the Matter of the Application of	)	
The Dayton Power and Light Company	)	Case No. 12-427-EL-ATA
for Approval of Revised Tariffs.	)	
In the Matter of the Application of	)	
The Dayton Power and Light Company	)	Case No. 12-428-EL-AAM
for Approval of Certain Accounting	)	
Authority.	)	
In the Matter of the Application of	)	
The Dayton Power and Light Company	)	Case No. 12-429-EL-WVR
For the Waiver of Certain Commission	)	
Rules.	)	
In the Matter of the Application of	)	
The Dayton Power and Light Company	)	Case No. 12-430-EL-RDR
to Establish Tariff Riders.	)	

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**MOTION TO INTERVENE**

**BY**

**DUKE ENERGY COMMERCIAL ASSET MANAGMENT, INC.**

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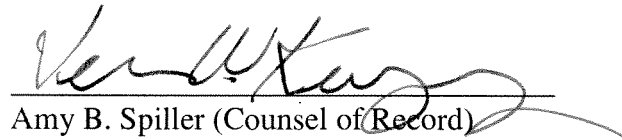
Now comes Duke Energy Commercial Management, Inc., (DECAM) and moves to intervene, as a full party of record, in the above-captioned proceedings, pursuant to R.C. 4903.221 and O.A.C. 4901-1-11. The issues in this proceeding relate to the Commission's review of a proposed standard service offer by The Dayton Power and Light Company (DP&L). The resolution of issues in this proceeding will directly impact the ability of suppliers to compete in the wholesale market. DECAM, as an active participant in auctions to supply power

to standard service offer customers or Ohio utilities, therefore has a real and substantial interest in this proceeding that is not adequately represented by existing parties.

Wherefore, for the reasons more fully set forth in the attached memorandum in support, DECAM respectfully requests that the Commission grant this motion to intervene.

Respectfully submitted,

DUKE ENERGY COMMERCIAL ASSET  
MANAGEMENT, INC.

A handwritten signature in black ink, appearing to read "Amy B. Spiller", is written over a horizontal line.

Amy B. Spiller (Counsel of Record)

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### **Memorandum in Support**

R.C. 4928.141 authorizes DP&L to file either a Market Rate Offer (MRO) pursuant to R.C. 4928.142 or an Electric Security Plan (ESP) pursuant to R.C. 4928.143. On March 30, 2012 DP&L filed its application for a MRO to become effective on January 1, 2013.

R.C. 4903.221(B) sets forth several criteria that the Commission is required to consider in ruling on applications to intervene. Those criteria are listed as follows:

- (1) The nature and extent of the prospective intervenor's interest;
- (2) The legal position advanced by the prospective intervenor and its probable relation to the merits of the case;
- (3) Whether the intervention by the prospective intervenor will unduly prolong or delay the proceedings;
- (4) Whether the prospective intervenor will significantly contribute to full development and equitable resolution of the factual issues.

The Commission has, itself, added additional detail to the intervention requirements through the promulgation of O.A.C. 4901-1-11. That rule, in section (A), requires that the Commission allow intervention by a person who has a "real and substantial interest in the proceeding" and who "is so situated that the disposition of the proceeding may . . . impair or impede [its] ability to protect that interest, unless the person's interest is adequately represented by existing parties." The rule goes on to list several factors that the Commission is required to consider in determining whether a potential intervenor meets that standard:


- (1) The nature and extent of the prospective intervenor's interest.
- (2) The legal position advanced by the prospective intervenor and its probable relation to the merits of the case.
- (3) Whether the intervention by the prospective intervenor will unduly prolong or delay the proceedings.
- (4) Whether the prospective intervenor will significantly contribute to full development and equitable resolution of the factual issues.
- (5) The extent to which the person's interest is represented by existing parties.

DECAM is the owner and operator of approximately 3,000 MW of gas-fired generation assets, located predominantly in the PJM-market footprint. DECAM is authorized by the Federal Energy Regulatory Commission to sell energy, capacity, and related products at wholesale. DECAM is also a wholesale auction participant, competing to provide full-service requirements and other products in response to wholesale auction solicitations. DECAM's business will be impacted by the determination of the terms of AEP Ohio's SSO. Thus, DECAM has a real and substantial interest in the proceeding that is directly related to the merits of the case.

Intervention by DECAM will not unduly prolong or delay this proceeding as Motions to Intervene are due to be filed in this case by April 20, 2012. DECAM would also respectfully suggest that its intervention will significantly contribute to the full development and equitable resolution of the factual issues, based on its experience in the marketplace and understanding of competitive needs in general. Its interests are not represented by existing parties.

DECAM therefore respectfully requests that the Commission grant its motion to intervene and that it be made a full party of record.

Respectfully submitted,  
DUKE ENERGY COMMERCIAL ASSET  
MANAGEMENT, INC.



Amy B. Spiller (Counsel of Record)

Deputy General Counsel

Jeanne W. Kingery

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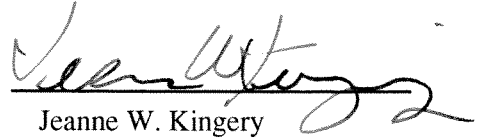
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## CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing was delivered via U.S. mail (postage prepaid), personal, or electronic mail delivery on this the 5<sup>th</sup> day of April, 2012, to the following:

  
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**Case No(s). 12-0426-EL-SSO**

Summary: Motion Motion to Intervene by Duke Energy Commercial Asset Management electronically filed by Carys Cochern on behalf of Kingery, Jeanne W Ms.