

**BEFORE THE  
PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of ) The Dayton Power And Light Company For ) Approval Of Its Market Rate Offer. )	Case No. 12-426-EL-SSO
In the Matter of the Application of ) The Dayton Power And Light Company For ) Approval Of Revised Tariffs. )	Case No. 12-427-EL-ATA
In the Matter of the Application of ) The Dayton Power And Light Company For ) Approval Of Certain Accounting Authority. )	Case No. 12-428-EL-AAM
In the Matter of the Application of ) The Dayton Power And Light Company For ) The Waiver Of Certain Commission Rules. )	Case No. 12-429-EL-WVR
In the Matter of the Application of ) The Dayton Power And Light Company ) To Establish Tariff Riders. )	Case No. 12-672-EL-RDR

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**MOTION TO INTERVENE OF AEP RETAIL ENERGY PARTNERS LLC**

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Pursuant to Section 4903.221, Ohio Revised Code, and Rule 4901-1-11, Ohio Administrative Code, AEP Retail Energy Partners LLC (“AEP Retail”) respectfully moves for leave to intervene in the above-captioned proceeding. The Public Utilities Commission of Ohio (“Commission”) should grant the motion to intervene because AEP Retail has a real and substantial interest in this proceeding, and the Commission’s disposition of this proceeding may impair or impede AEP Retail’s ability to protect that interest. AEP Retail believes that its participation will not unduly prolong or delay this proceeding and that AEP Retail will significantly contribute to the full development and equitable resolution of the issues in this proceeding. Additionally, AEP Retail’s interests

will not be adequately represented by other parties to this proceeding. Accordingly, and for these reasons and as set forth in the attached Memorandum in Support, AEP Retail respectfully requests that the Commission grant this Motion to Intervene.

Respectfully submitted,



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## MEMORANDUM IN SUPPORT

On March 30, 2012, The Dayton Power and Light Company (“DP&L”) filed an application seeking approval of its standard service offer (“SSO”), as required pursuant to Section 4928.141, Revised Code. For the purpose of complying with its SSO requirement, DP&L filed a market rate offer (“MRO”) under Section 4928.142, Revised Code, which it proposes to begin on January 1, 2013 and continue through May 31, 2018.

AEP Retail will be impacted by the Commission’s decision relating to DP&L’s MRO, and AEP Retail should be permitted leave to intervene in the above-captioned proceeding.

Section 4903.221, Revised Code, and Rule 4901-1-11 of the Ohio Administrative Code establish the standard for intervention, providing in relevant part:

- (A) Upon timely motion, any person shall be permitted to intervene in a proceeding upon a showing that:

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(2) The person has a real and substantial interest in the proceeding, and the person is so situated that the disposition of the proceeding may, as a practical matter, impair or impede his or her ability to protect that interest, unless the person’s interest is adequately represented by existing parties.

- (B) In deciding whether to permit intervention under paragraph (A) (2) of this rule, the commission, the legal director, the deputy legal director, or an attorney examiner shall consider:

(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.<sup>1</sup>

A review of these criteria supports granting AEP Retail's intervention in this proceeding.

AEP Retail provides electricity and energy-related services to more than 1000 retail customers in Ohio. It is a certified competitive retail electric supplier ("CRES"), licensed by the Commission to sell power in all regions of the state of Ohio, including in DP&L's service area.

AEP Retail has existing and potential business interests in Ohio which will be affected by the outcome of the proceeding. The Commission's decision in this matter will affect the viability of the competitive retail electric market in Ohio, in which AEP Retail provides electric power and other services to retail customers across the state.

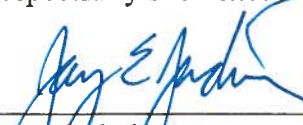
AEP Retail's intervention will not prolong or delay this proceeding. This motion is timely, precedes all discovery or other procedural termination dates, and is filed more than five days before the hearing deadline established in Rule 4901-1-29.

For the foregoing reasons, AEP Retail respectfully requests that the Commission grant this joint motion for leave to intervene and that AEP Retail be made a full party of record in this proceeding.

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<sup>1</sup> The factors in Rule 4901-1-11 (B) (1) – (4) are consistent with §4903.221 (B), Ohio Rev. Code.

Respectfully submitted,



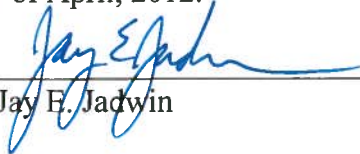
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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing was provided to the persons listed below via electronic transmission this 10<sup>th</sup> day of April, 2012.

  
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Summary: Motion to Intervene electronically filed by Mr. Jay E Jadwin on behalf of AEP Retail Energy Partners LLC