

**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 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
	)	
	)	

**INTERSTATE GAS SUPPLY, INC.'S  
MOTION TO INTERVENE**

Pursuant to R.C. 4903.221 and Ohio Adm. Code 4901-1-11 and the Attorney Examiner's April 2, 2012 Entry, Interstate Gas Supply, Inc. ("IGS") respectfully requests issuance of an entry granting intervention in these proceedings. The issues in these proceedings will directly impact the ability of suppliers to compete in the retail market. IGS, as a certified retail electric supplier, has a real and substantial interest in this proceeding that is not adequately represented by the existing parties. Intervention should be granted for the reasons set forth in the accompanying Memorandum in Support.

Dated: April 16, 2012

Respectfully submitted,

/s/ Mark A. Whitt

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ATTORNEYS FOR INTERSTATE GAS  
SUPPLY, INC.

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**MEMORANDUM IN SUPPORT OF  
INTERSTATE GAS SUPPLY, INC.'S  
MOTION TO INTERVENE**

**I. INTRODUCTION**

The Dayton Power & Light Company (“DP&L”) filed an application on March 30, 2012 for a standard service offer (“SSO”) pursuant to R.C. 4928.141. On April 2, 2012, the attorney examiner established a procedural schedule in this proceeding, requiring all motions to intervene to be filed by April 20, 2012. DP&L’s application will directly impact IGS’s ability to compete in the retail market. As such, IGS should be permitted to intervene in this proceeding.

**II. ARGUMENT**

Ohio Adm. Code 4901-1-11(A) provides:

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

. . . .

(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 exiting parties.

In addition to establishing a direct interest, the Commission considers the additional factors of the nature of the intervenor's interest, the extent that interest is represented by existing parties, the legal position advanced by the intervenor and its relation to the merits of the case, the intervenor's potential contribution to a just and expeditious resolution of the issues involved, and whether intervention would unduly prolong or delay the proceeding. *See* Ohio Adm. Code 4901-1-11(B); *See also* R.C. 4903.221(B).

IGS holds Certificate No. 11-403E(1) as a competitive retail electric supplier (“CRES”), authorizing it to engage in the competitive sale of retail electric service in Ohio.<sup>1</sup> IGS currently provides retail electric service to small commercial and residential customers in DP&L’s service territory. As such, IGS has a real and substantial interest that will be affected by the outcome of these proceedings. IGS's direct and unique interest cannot be represented by any other parties in these proceedings.

IGS’s participation will not unduly prolong or delay these proceedings, as it has moved to intervene well before the April 20, 2012 deadline. IGS also will significantly contribute to the full development and equitable resolution of the factual issues, based on its experience in the CRES marketplace, including its years participating in the competitive gas market, and its understanding of the competitive needs of Ohio local distribution companies. Denying intervention to IGS would be inconsistent with the Commission’s stated policy “to encourage the broadest possible participation in its proceeding.” Ohio Adm. Code 4901-1-11(B)(5).

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<sup>1</sup> *See* Case No. 11-5326-EL-CRS for a copy of IGS's certificate.

### III. CONCLUSION

Having demonstrated the criteria necessary to establish a right to intervene, IGS respectfully requests that the Commission grant this motion.

Dated: April 16, 2012

Respectfully submitted,

/s/ Mark A. Whitt

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## **CERTIFICATE OF SERVICE**

I hereby certify that a copy of the Motion to Intervene of Interstate Gas Supply, Inc. was served to the following parties by electronic mail this 16th day of April, 2012:

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One of the Attorneys for Interstate Gas  
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Summary: Motion and Memorandum in Support to Intervene of Interstate Gas Supply, Inc.  
electronically filed by Ms. Melissa L. Thompson on behalf of Interstate Gas Supply, Inc.