

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

|   |                       |                         |
|---|-----------------------|-------------------------|
| In the Matter of the Application of<br>The Dayton Power and Light Company for<br>Approval of Its Market Rate Offer        | )<br>)<br>)<br>)<br>) | Case Nos. 12-426-EL-SSO |
| In the Matter of the Application of<br>The Dayton Power and Light Company for<br>Approval of Revised Tariffs              | )<br>)<br>)<br>)<br>) | Case Nos. 12-427-EL-ATA |
| In the Matter of the Application of<br>The Dayton Power and Light Company for<br>Approval of Certain Accounting Authority | )<br>)<br>)<br>)<br>) | Case Nos. 12-428-EL-AAM |
| In the Matter of the Application of<br>The Dayton Power and Light Company for<br>the Waiver of Certain Commission Rules   | )<br>)<br>)<br>)<br>) | Case Nos. 12-429-EL-WVR |
| In the Matter of the Application of<br>The Dayton Power and Light Company to<br>Establish Tariff Riders                   | )<br>)<br>)<br>)<br>) | Case No. 12-672-EL-RDR  |

**MOTION FOR LEAVE TO INTERVENE OF  
EXELON GENERATION COMPANY, LLC,  
EXELON ENERGY COMPANY, INC.,  
CONSTELLATION ENERGY COMMODITIES GROUP, INC. AND  
CONSTELLATION NEWENERGY, INC.**

Now come Exelon Generation Company, LLC, Exelon Energy Company, Inc., Constellation Energy Commodities Group, Inc., and Constellation NewEnergy, Inc. (jointly “Exelon”), who, pursuant to Section 4903.221, Revised Code and Rule 4901-1-11 of the Ohio Administrative Code, move for intervention in the above styled proceeding as full parties of record. The reasons supporting the intervention are contained in the accompanying Memorandum in Support.

WHEREFORE, Exelon respectfully requests that the Commission grant this joint motion for leave to intervene and that Exelon be made a full party of record.

Respectfully Submitted,



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**MEMORANDUM IN SUPPORT OF THE MOTION TO INTERVENE OF  
EXELON GENERATION COMPANY, LLC, CONSTELLATION ENERGY  
COMMODITIES GROUP, INC., CONSTELLATION NEWENERGY, INC., AND  
EXELON ENERGY COMPANY, INC.**

Section 4903.221, Revised Code and Rule 4901-1-11 of the Ohio Administrative Code, establish the standard for intervention in the above-styled proceeding as a full party of record.

Rule 4901-1-11 of the Ohio Administrative Code states in part:

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 existing parties.

In addition to establishment of a direct interest, the factors that the Public Utilities Commission of Ohio (the "Commission") considers in implementing the above rule are the nature of the intervenor's interest, the extent that interest is represented by existing parties, the intervenor's potential contribution to a just and expeditious resolution of the issues involved, and whether intervention would result in an undue delay of the proceeding. (See also R.C. 4903.221(B) upon which the above rule is authorized). A review of these factors in light of following facts supports granting Constellation's intervention.

The Exelon family of companies participates in every segment of the energy marketplace, from generation to competitive energy sales to transmission to delivery. Exelon has operations and business activities in 47 states, the District of Columbia and Canada. The company is the largest competitive U.S. power generator, with approximately 35,000 megawatts of owned capacity comprising one of the nation's cleanest and lowest-cost power generation fleets. On March 12, 2012, Exelon Corporation and Constellation Energy created a new company. Its Constellation business unit provides energy products

and services to approximately 100,000 business and public sector customers and approximately 1 million residential customers. Exelon's utilities deliver electricity and natural gas to approximately 6.6 million customers in central Maryland, northern Illinois and southeastern Pennsylvania. The entities with an interest in this proceeding are as follows:

*Exelon Generation Company, LLC* ("Exelon Generation") owns or controls approximately 30,000 megawatts ("MW") of generation, including nuclear, fossil, hydroelectric, solar, landfill gas, and wind generation assets. It is the nation's largest nuclear operator with 17 reactors located in Illinois, Pennsylvania and New Jersey and has a growing renewable energy business. It is the nation's ninth largest wind energy generator. In addition, Exelon Generation operates the nation's largest urban solar power plant, Exelon City Solar, a 10 MW solar installation located on a 41-acre brownfield in Chicago, and two of the largest hydroelectric facilities in the Eastern United States, Conowingo Hydroelectric Generating Station and Muddy Run Pumped Storage Facility totaling nearly 1,600 MWs of capacity. Exelon Generation markets wholesale energy and capacity products to municipal, cooperative, and investor-owned utilities, retail suppliers, retail energy aggregators, merchant participants, power marketers, and major commodity trading houses.

*Exelon Energy Company* ("Exelon Energy"), a subsidiary of Exelon Generation, is a licensed competitive retail electric service ("CRES") provider in Ohio and several other states. Exelon Energy has over 20,000 retail electric and gas customers across this region, mainly comprising industrial and large commercial customers.

*Constellation Energy Commodities Group, Inc.* (“CCG”) provides wholesale power and risk management services to wholesale customers (distribution utilities, co-ops, municipalities, power marketers, utilities and other large load serving entities), throughout the United States and Canada, in both regulated and restructured, competitive energy markets. CCG is active in the PJM Interconnection, L.L.C. wholesale power markets and has sold power for wholesale delivery in Ohio.

*Constellation NewEnergy, Inc.* (“CNE”) provides electricity and energy-related services to retail customers in Ohio as well as in 15 other states, the District of Columbia, and two Canadian provinces and serves more than 15,000 megawatts of load and more than 10,000 customers. CNE holds a certificate as a competitive retail electric supplier (“CRES”) from the Public Utilities Commission of Ohio (“PUCO” or “the Commission”) to engage in the competitive sale of electric service to retail customers in Ohio, including DPL’s service territory. CNE currently provides service to retail electric customers in Ohio, and is interested in the ability to provide service to customers in the Dayton Power and Light (“DP&L”) service territory.

In its applications, DP&L is requesting Commission approval of a Market Rate Offer pursuant to Section 4928.142, Revised Code. DP&L’s proposed SSO rates for the period beginning January 1, 2013 through May 31, 2018 will be in the form of a blended rate consisting of a proportionate blend of the rate resulting from a Competitive Bidding Process (“CBP”). DP&L is proposing the five year, five-month blending period to bring competitive bidding cycle in line with PJM Interconnection (“PJM”) Reliability Pricing Model (“RPM”) June 1-May 31 delivery year. According to DP&L’s plan, the first Competitive Bidding Process will take place in October 2012. DP&L also filed with the application its Third Amended Corporate Separation

Plan. According to DP&L, the Third Amended Corporate Separation plan is substantially the same as the Second Amended Corporate Separation plan, but has been updated to reflect the acquisition by DP&L's affiliate, DPL Energy Resources, of MC Squared and the acquisition of DPL, Inc. by the AES Corporation.

Exelon has business interests in the State that will be affected by the outcome of the proceeding. As a potential supplier of retail electric power and energy to customers in the DP&L service territory and wholesale electric supply to DP&L, Exelon has an interest in the instant proceeding as the Commission assesses whether the Application is consistent with Senate Bill 221, and makes other decisions that will affect the viability of the competitive electric market in Ohio.

Exelon and its subsidiaries have been active participants before the Commission in matters related to the implementation of SB3 and SB 221, including all of the proceedings regarding the adoption of standard service offers (SSOs) and the development of competitive electric markets in Ohio. This motion for intervention precedes the April 20, 2012 deadline and should not unduly delay the instant proceedings. Finally, because of its unique expertise and participation in the competitive retail and wholesale markets in Ohio and across the country, Exelon will be able to assist in the development of a full and complete record to assist the Commission in its consideration of the Application.

WHEREFORE, Exelon respectfully requests that the Commission grant this motion for leave to intervene and that Exelon be made a full party of record. For purposes of receiving service in the proceeding, in addition to the undersigned, Exelon requests that the following persons be placed on the official service list:

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## CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of the foregoing document was served this 20<sup>th</sup> day of April, 2012 by electronic mail or, where indicated, by regular U.S. mail, postage prepaid, upon the persons listed below.



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Summary: Motion Motion for Leave to Intervene electronically filed by M HOWARD PETRICOFF on behalf of Exelon Generation Company, LLC and Exelon Energy Company, Inc. and Constellation Energy Commodities Group, Inc. and Constellation NewEnergy, Inc.