

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of The Dayton Power and)
Light Company to Revise its Fuel)
Adjustment Clause) Case No. 11-5730-EL-FAC

**MOTION TO INTERVENE AND MEMORANDUM IN SUPPORT
OF INDUSTRIAL ENERGY USERS-OHIO**

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Attorneys for Industrial Energy Users-Ohio

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MOTION TO INTERVENE OF INDUSTRIAL ENERGY USERS-OHIO

Industrial Energy Users-Ohio (“IEU-Ohio”) hereby respectfully moves the Public Utilities Commission of Ohio (“Commission”), pursuant to Section 4903.221, Revised Code, and Rule 4901-1-11, Ohio Administrative Code, for leave to intervene in the above-captioned matter(s) with the full powers and rights granted by the Commission, specifically by statute or by the provisions of the Ohio Administrative Code, to intervening parties.

On November 10, 2011, Dayton Power and Light Company (“DP&L”) filed an application to revise proposed schedules, workpapers, and tariffs for modifying its fuel adjustment clause (“FAC”). On April 27, 2012, Energy Ventures Analysis, Inc. and Larkin and Associates PLLC, submitted the Report of the Management/Performance and Financial Audit of the Fuel and Purchase Power Rider (“Audit Report”) for 2011. The Audit Report recommended that DP&L make adjustments to the FAC in light of certain management and performance issues. On August 27, 2012, the Attorney Examiner issued an Entry, stating, “[h]aving reviewed the report, the attorney examiner finds that this matter should be set for hearing.”¹

As demonstrated further in the Memorandum in Support attached hereto and incorporated herein, IEU-Ohio has a direct, real, and substantial interest in the issues

¹ Entry at 3 (Aug. 27, 2012).

and matters involved in the above-captioned proceeding, and is so situated that the disposition of this proceeding may, as a practical matter, impair or impede its ability to protect that interest. IEU-Ohio believes that its participation will not unduly prolong or delay this proceeding and that it will significantly contribute to the full development and equitable resolution of the factual and other issues in the proceeding. The interests of IEU-Ohio will not be adequately represented by other parties to the proceeding and, as such, IEU-Ohio is entitled to intervene with the full powers and rights granted by the Commission, specifically by statute and by the provisions of the Ohio Administrative Code, to intervening parties.

Respectfully submitted,

/s/ Joseph E. Oliker

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MEMORANDUM IN SUPPORT

In support of this Motion to Intervene, Industrial Energy Users-Ohio (“IEU-Ohio”) states that it is an association of ultimate customers. A current listing of IEU-Ohio member companies is available on IEU-Ohio's website at http://www.ieu-ohio.org/member_list.aspx. IEU-Ohio’s members purchase substantial amounts of electric and related services from Ohio’s Electric Distribution Utilities (“EDU”), including DP&L.

IEU-Ohio’s members work together to address matters that affect the availability and price of utility services. Additionally, IEU-Ohio seeks to promote customer-driven policies that will assure an adequate, reliable, and efficient supply of energy for all consumers at competitive prices. To this end, IEU-Ohio has worked, including actively participating in the legislative process related to SB 221, and will continue to work to produce legislative, regulatory, and market outcomes that are consistent with the state policy contained in Section 4928.02, Revised Code.

IEU-Ohio has a real and substantial interest inasmuch as this proceeding may directly or indirectly impact the provision of electric service, including the price of fuel and purchase power, to IEU-Ohio members’ manufacturing facilities in the service territory of DP&L. Specifically, IEU-Ohio’s direct interest in this proceeding is the result

of the effect that this proceeding shall have upon the price, adequacy, and reliability of the electric supply and related services within Ohio.

Respectfully submitted,

/s/ Joseph E. Oliker

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing *Motion to Intervene and Memorandum In Support of Industrial Energy Users-Ohio*, was served upon the following parties of record this 14th day of September, 2012, *via* hand-delivery, electronic transmission, or first class mail, U.S. postage prepaid.

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Summary: Motion to Intervene electronically filed by Mr. Joseph E. Oliker on behalf of Industrial Energy Users-Ohio