

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Ohio	)	
Power Company for Authority to Establish	)	
a Standard Service Offer Pursuant to	)	Case No. 13-2385-EL-SSO
§4928.143, Revised Code, in the Form of	)	
an Electric Security Plan.	)	
	)	
In the Matter of the Application of Ohio	)	
Power Company for Approval of Certain	)	Case No. 13-2386-EL-AAM
Accounting Authority	)	
	)	

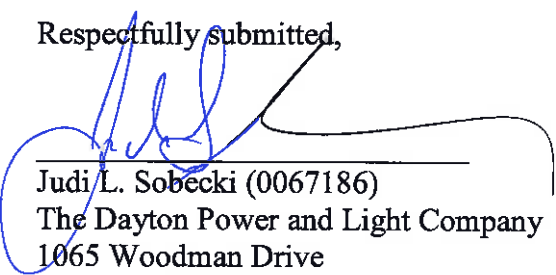
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**THE DAYTON POWER AND LIGHT COMPANY'S  
MOTION TO INTERVENE AND  
MEMORANDUM IN SUPPORT**

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Pursuant to Section 4903.221 of the Ohio Revised Code (R.C.) and Rule 4901-1-11 of the Ohio Administrative Code (O.A.C.), The Dayton Power and Light Company (DP&L) hereby moves to intervene in this proceeding. The issues in this proceeding involve the Commission's review of a proposed Standard Service Offer (SSO) by the Ohio Power Company (AEP). The resolution of the issues in the proceeding will have a direct impact on the strength and viability of the competitive retail and wholesale energy markets in Ohio. DP&L has a real and substantial interest in this proceeding and its interests are not adequately represented by existing parties. For the reasons more fully explained in the attached memorandum, DP&L respectfully requests that the Commission grant this request to intervene.

Respectfully submitted,



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## **MEMORANDUM IN SUPPORT**

This proceeding involves the application of AEP to establish its SSO in the form of an Electric Security Plan (ESP) for a term commencing on June 1, 2015 and ending May 31, 2018. Among other provisions, AEP's plan proposes a continuation of competitive market-based auctions to serve AEP Ohio's full SSO capacity and energy requirements beginning in June 2015. In addition, AEP proposes to include its Ohio Valley Electric Corporation (OVEC) participation benefits and requirements into its Purchase Power Agreement (PPA) Rider. The resolution of the issues in the proceeding will have a direct impact on wholesale energy suppliers' participation in the auction process. In addition, DP&L owns 4.9% of OVEC. As such, DP&L has a direct interest in the rate treatment associated with OVEC costs and credits going forward.

Pursuant to R.C. §4903.221, any party who may be adversely affected by a public utilities commission proceeding may intervene provided that the motion to intervene is filed no later than a deadline set for intervention, or if none is set, five days prior to the scheduled date of a hearing. There has not yet been an intervention deadline set in this proceeding, and therefore this motion is timely.

In ruling upon applications to intervene in its proceedings, the Commission is directed to consider the following factors:

- (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.<sup>1</sup>

The Commission added an additional criterion to the requirement for intervention in proceedings before it. O.A.C. §4901-1-11(B), mirrors the statutory provisions found in 4903.221, and includes the additional criterion that the Commission consider the extent to which the movant's interest is represented by existing parties.

In satisfaction of the requirements set forth in RC §4903.221 and O.A.C Rule 4901-1-11(B), DP&L has a real and substantial interest in this present proceeding. DP&L's unique interest is not presently represented in this proceeding. DP&L can positively contribute to the proceeding and will not unduly delay the proceeding or prejudice any existing party. DP&L provides wholesale power to wholesale customers, and is active in PJM Interconnection, L.L.C. As an active participant in wholesale energy supply auctions, DP&L has a real and substantial legal and business interest in the outcome of this proceeding, in which AEP's ESP plan proposes a continuing engagement in a Competitive Bidding Process for procurement of its SSO load. With respect to AEP's proposal regarding its portion of OVEC, DP&L has ownership interest in OVEC and has similar, but unique interests of other partial owners. Accordingly, DP&L has a direct, real, and substantial interest in the issues and matters involved in the instant proceeding.

All of DP&L's specific interests are not represented by existing parties to this proceeding, and the outcome of the proceeding could potentially be adverse to some of DP&L's interests. DP&L will contribute to the just and expeditious resolution of the issues being considered in this case. As an experienced party in participating in many proceedings before the Commission, DP&L's participation in this proceeding will not cause undue delay nor will it

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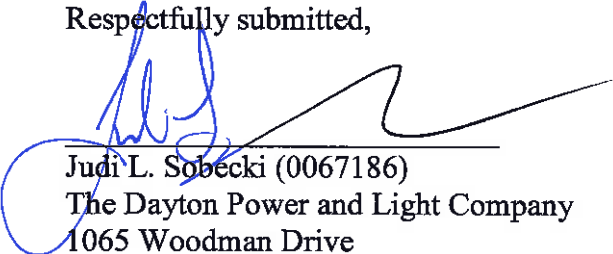
<sup>1</sup> R.C. §4903.221

unjustly prejudice any party. Finally, because of DP&L's unique expertise as a participant in Ohio wholesale energy markets, permitting DP&L to intervene will assist the Commission in achieving a better outcome to this proceeding.

### **CONCLUSION**

Based on the above, DP&L has a direct, real, and substantial interest in the issues and matters involved in this proceeding. DP&L interests can only be protected by its participation in this proceeding. Accordingly, DP&L respectfully requests that the Commission grant DP&L's Motion to Intervene in this matter.

Respectfully submitted,



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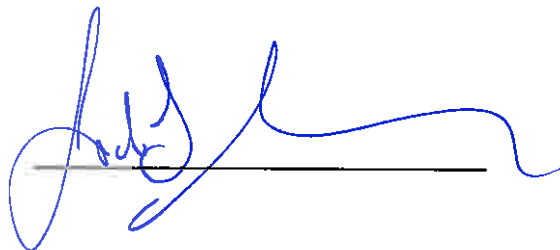
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## CERTIFICATE OF SERVICE

I certify that a copy of the foregoing has been served via electronic mail this 22<sup>nd</sup> day of

January, 2014 upon the following:

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Summary: Motion to Intervene and Memorandum in Support electronically filed by Mr. Tyler A. Teuscher on behalf of The Dayton Power and Light Company