

**BEFORE THE
PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of)
The Dayton Power And Light Company)
For Authority to Transfer or Sell Its)
Generation Assets)

Case No. 13-2420-EL-UNC

MOTION TO INTERVENE OF AEP GENERATION RESOURCES INC.

Pursuant to Section 4903.221, Ohio Revised Code, and Rule 4901-1-11, Ohio Administrative Code, AEP Generation Resources (“AEP Generation”) 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 Generation has a real and substantial interest in this proceeding, and the Commission’s disposition of this proceeding may impair or impede AEP Generation’s ability to protect that interest. AEP Generation’s participation will not unduly prolong or delay this proceeding and AEP Generation will significantly contribute to the full development and equitable resolution of the issues in this proceeding. Additionally, AEP Generation’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 Generation respectfully requests that the Commission grant this Motion to Intervene.

Respectfully submitted,

s/ Anne M. Vogel

Anne M. Vogel

American Electric Power Service Corporation

155 W. Nationwide Blvd., Suite 500

Columbus, Ohio 43215

Telephone: (614) 583-7635

Facsimile: (614) 583-1602

Email: amvogel@aep.com

Counsel for AEP Generation Resources Inc.

MEMORANDUM IN SUPPORT

On December 30, 2013, The Dayton Power and Light Company (“DP&L”) filed an application seeking authorization under Section 4928.17(E), Ohio Revised Code, to transfer, sell, or decommission some or all of its generation assets. The Commission issued an initial case schedule ordering that comments by intervening parties on the application be filed by February 4, 2014. As of that date several parties had intervened, and every intervener that submitted comments stated that DP&L’s application did not contain enough detail to allow substantive comment. Accordingly, on February 25, 2014, DP&L filed a supplemental application containing significantly more detail regarding its plan to divest its generation assets by May 31, 2017, as required by the Commission. On March 4, 2014, the Commission issued a revised case schedule ordering comments to be submitted by March 25, 2014.

AEP Generation will be impacted by the Commission’s decision relating to DP&L’s application, and AEP Generation should be permitted leave to intervene at this early stage of the 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:

- (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.¹

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

AEP Generation is an affiliate of American Electric Power Company formed to own and operate certain generation assets formerly owned by Ohio Power Company upon separation of Ohio Power's generation and power marketing from its distribution and transmission businesses, as ordered by the Commission. That separation was finalized on December 31, 2013. As of January 1, 2014, AEP Generation became the co-owner of several generation assets at issue in this proceeding that are co-owned by DP&L. The Commission's decision in this matter may have direct impact on the value of these co-owned assets. Therefore, AEP Generation has a real and substantial interest in this proceeding that is not adequately represented by existing parties.

AEP Generation's intervention will not prolong or delay this proceeding. This motion 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. Also, because

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

AEP Generation is the result of Ohio Power's own very recent divestment of its generation, AEP Generation will be able to contribute to the development of the record in a significant and unique way.

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

Respectfully submitted,

s/ Anne M. Vogel

Anne M. Vogel
American Electric Power Service Corporation
155 W. Nationwide Blvd., Suite 500
Columbus, Ohio 43215
Telephone: (614) 583-7635
Facsimile: (614) 583-1602
Email: amvogel@aep.com

Counsel for AEP Generation Resources Inc.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was provided to the persons listed below via electronic transmission this 18th day of March, 2014.

s/ Anne M. Vogel

Anne M. Vogel

EMAIL SERVICE LIST

Amy.Spiller@duke-energy.com;
campbell@whitt-sturtevant.com;
cfaruki@ficlaw.com;
dboehm@BKLawfirm.com;
edmund.berger@occ.ohio.gov;
Elizabeth.Watts@duke-energy.com;
fdarr@mwncmh.com;
williams@whitt-sturtevant.com;
jlang@calfee.com;
Jeanne.Kingery@duke-energy.com;
jkylercohn@BKLawfirm.com;
joseph.clark@directenergy.com;
joliker@mwncmh.com;
judi.sobecki@aes.com;
Bojko@carpenterlipps.com;
lfriedeman@igsenergy.com;
Mohler@carpenterlipps.com;
haydenm@firstenergycorp.com;
mpritchard@mwncmh.com;
whitt@whitt-sturtevant.com;
mwhite@igsenergy.com;
maureen.grady@occ.ohio.gov;
yost@occ.state.oh.us;
mkurtz@BKLawfirm.com;
tallexander@calfee.com;
Rocco.D'Ascenzo@duke-energy.com;
sam@mwncmh.com;
thomas.mcnamee@puc.state.oh.us;
vparisi@igsenergy.com;

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Summary: Motion to Intervene of AEP Generation electronically filed by Anne M Vogel on behalf of AEP Generation Resources, Inc.