

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of the Dayton Power and Light Company for an Increase in Electric Distribution Rates.)	Case No. 15-1830-EL-AIR
)	
)	
In the Matter of the Application of the Dayton Power and Light Company for Approval to Change Accounting Methods.)	Case No. 15-1831-EL-AAM
)	
)	
In the Matter of the Application of the Dayton Power and Light Company for Tariff Approval.)	Case No. 15-1832-EL-ATA
)	
)	

THE KROGER CO.'S MOTION TO INTERVENE

Pursuant to Ohio Revised Code ("RC") § 4903.221 and Ohio Administrative Code ("OAC") 4901-1-11, The Kroger Co. ("Kroger") respectfully moves to intervene in the above-captioned proceedings for the reasons set forth in the attached Memorandum in Support.

Respectfully submitted,

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MEMORANDUM IN SUPPORT

Kroger respectfully submits that it is entitled to intervene in these proceedings because Kroger has a real and substantial interest in the proceedings, the disposition of which may impair or impede Kroger's ability to protect that interest. For purposes of considering requests to intervene in a Commission proceeding, the Ohio Administrative Code provides that:

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.

OAC 4901-1-11(A).

Further, RC § 4903.221(B) and OAC 4901-1-11(B) provide that the Commission, in ruling upon applications to intervene in its proceedings, shall consider the following criteria:

(1) The nature and extent of the prospective intervener's interest; (2) The legal position advanced by the prospective intervener and its probable relation to the merits of the case; (3) Whether the intervention by the prospective intervener will unduly prolong or delay the proceedings; (4) Whether the prospective intervener will significantly contribute to full development and equitable resolution of the factual issues.

On October 30, 2015, the Dayton Power and Light Company ("DP&L") filed notice of intent to file an application for an increase in rates. Kroger is one of the largest grocers in the United States and has numerous facilities served by DP&L that consume significant amounts of electric service. Accordingly, Kroger has a direct, real, and substantial interest in this proceeding, and may be substantially impacted by the outcome of this proceeding.

Without Kroger's ability to fully participate in this proceeding, Kroger's substantial interest will be prejudiced because no other party participating in this proceeding represents

Kroger's interests. Inasmuch as others participating in this proceeding cannot adequately protect Kroger's interests, it would be inappropriate to make any final determination in this proceeding without Kroger's participation. Furthermore, Kroger's intervention will not delay this proceeding.

CONCLUSION

For the reasons set forth above, Kroger respectfully requests the Commission grant this Motion to Intervene.

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing *The Kroger Co.'s Motion to Intervene* was served this 9th day of December, 2015 upon the following via electronic mail.

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Summary: Motion Motion to Intervene electronically filed by Mr. Devin D. Parram on behalf of The Kroger Co.