

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of The Dayton)	
Power and Light Company for Approval of Its)	Case No. 16-0395-EL-SSO
Electric Security Plan)	
)	
In the Matter of the Application of The Dayton)	Case No. 16-0396-EL-ATA
Power and Light Company for Approval of)	
Revised Tariffs)	
)	
In the Matter of the Application of The Dayton)	Case No. 16-0397-EL-AAM
Power and Light Company for Approval of)	
Certain Accounting Authority Pursuant to)	
Ohio Rev. Code § 4905.13)	
)	

**MOTION TO INTERVENE
OF THE INDEPENDENT MARKET MONITOR FOR PJM**

Pursuant to Ohio Rev. Code § 4903.22.1 and Ohio Admin. Code § 4901-1-11, Monitoring Analytics, LLC, acting in its capacity as the Independent Market Monitor for PJM (“Market Monitor”), moves for leave to intervene in the above captioned case, in which The Dayton Power and Light Company (“DPL”) submits applications for approval of its electric security plan, revised tariffs and certain accounting authority (“Application”). As more fully discussed in the accompanying memorandum, the Market Monitor has a real and substantial interest in this proceeding which is not represented by any existing party. The Market Monitor’s participation in this proceeding will contribute to a just and expeditious resolution of the issues involved without unduly delaying the proceeding or unjustly prejudicing any existing party.

WHEREFORE, the Market Monitor respectfully requests that the Public Utilities Commission of Ohio grant the Market Monitor's motion to intervene for these reasons and those set forth in the attached Memorandum in Support.

/s/ Evelyn R. Robinson

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Respectfully submitted,



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Dated: March 7, 2016

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of The Dayton)	Case No. 16-0395-EL-SSO
Power and Light Company to Provide a)	16-0396-EL-ATA
Standard Service Offer Pursuant to R.C. §)	16-0397-EL-AAM
4928.143 in the Form of an Electric Security)	
Plan.)	
)	
)	
)	

MEMORANDUM IN SUPPORT

R.C. Section 4903.221 provides that any “person who may be adversely affected by a public utilities commission proceeding may intervene in such proceeding.”

R.C. 4903.221(B) outlines four factors that the Commission shall consider when ruling on a motion to intervene in a proceeding. First, pursuant to R.C. 4903.221(B)(1), the Commission shall consider “the nature and extent of the prospective intervenor’s interest.” The Market Monitor is an organization created to objectively monitor the competitiveness of PJM markets, funded by the members of PJM Interconnection, L.L.C (“PJM”).¹ The Open Access Transmission Tariff (OATT) of PJM requires that the Market Monitor, among other things, monitor “compliance with the PJM Market Rules,” “actual or potential design flaws in the PJM Market Rules,” “structural problems in the PJM Market that may inhibit a robust and competitive market,” and “the potential for a Market Participant to exercise market

¹ OATT Schedule 9-MMU.

power or violate any of the PJM Rules.”² As such, the Market Monitor has a real and substantial interest in the competitiveness of PJM markets.

Second, pursuant to R.C. 4903.221(B)(2), the Commission shall consider “the legal position advanced by the prospective intervenor and its probable relation to the merits of the case.” The Market Monitor takes the position that subsidies should not be permitted to interfere with the competitiveness of PJM markets and PJM’s competition-based market design.

Third, pursuant to R.C. 4903.221(B)(3), the Commission shall consider “Whether the intervention by the prospective intervenor will unduly prolong or delay the proceedings.” The Market Monitor is timely filing its motion to intervene and does not seek to delay the proceedings. The Market Monitor accepts the record established in this proceeding to date.

Fourth, pursuant to R.C. 4903.221(B)(4), the Commission shall consider “whether the prospective intervenor will significantly contribute to full development and equitable resolution of the factual issues.” The Market Monitor has a substantial interest in this proceeding because it has the exclusive duty to perform the market monitoring function for PJM in accordance with the duties required by the PJM Tariff. No other party can adequately represent the Market Monitor’s interests. The Market Monitor has exclusive resources and knowledge of PJM’s markets, which could aid the Commission in resolving the outcome of the proceeding. As such, the Market Monitor satisfies the requirement of Ohio Adm. Code 4901-1-11(B)(5), which states that the PUCO shall consider “the extent to which the person’s interest is represented by existing parties.” No other party can represent the interests of the Market Monitor.

² OATT Attachment M §§ II & IV.B 1-4.

The Market Monitor satisfies the intervention requirements outlined in the Commission's Rules and the Ohio Administrative Code, and therefore should be granted intervenor status in this proceeding.

For the foregoing reasons, the Market Monitor respectfully requests that it be granted leave to intervene in this proceeding as a party for all purposes.

Respectfully submitted,



/s/ Evelyn R. Robinson

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Dated: March 7, 2016

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document upon each person designated on the official service list compiled by the Secretary in this proceeding.

Dated at Eagleville, Pennsylvania,
this 7th day of March, 2016.



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This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

3/7/2016 10:55:21 AM

in

Case No(s). 16-0395-EL-SSO, 16-0396-EL-ATA, 16-0397-EL-AAM

Summary: Motion to Intervene of the Independent Market Monitor for PJM electronically filed by Ms. Suzette N Krausen on behalf of Mayes, Jeffrey Mr. and Monitoring Analytics, LLC