

**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 )  
Power and Light Company for Approval of ) Case No. 16-0396-EL-ATA  
Revised Tariffs )

In The Matter of The Application of The Dayton )  
Power And Light Company For Approval of ) Case No. 16-0397-EL-AAM  
Certain Accounting Authority Pursuant to )  
Ohio Rev. Code §4905.13 )


---

**MOTION TO INTERVENE OF  
THE ENERGY PROFESSIONALS OF OHIO**

---

The Energy Professionals of Ohio (EPO) 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 (O.A.C.), for leave to intervene in the above-captioned matters. The EPO is a trade group comprised licensed power brokers and consultants who exist in Ohio's competitive marketplace and advise thousands of Ohio businesses on the procurement of power. Since the outcome of this proceeding will have an effect on the continued operation of Ohio's competitive marketplace for power, the EPO has a real and substantial interest in this proceeding which is not adequately represented by the existing parties.

Respectfully Submitted,



---

Kevin R Schmidt (0086722)  
Counsel for the Energy Professionals of Ohio  
88 East Broad Street, Suite 1770  
Columbus, OH 43215  
(614) 507-1050  
[schmidt@sppgrp.com](mailto:schmidt@sppgrp.com)

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 )  
Power and Light Company for Approval of ) Case No. 16-0396-EL-ATA  
Revised Tariffs )

In The Matter of The Application of The Dayton )  
Power And Light Company For Approval of ) Case No. 16-0397-EL-AAM  
Certain Accounting Authority Pursuant to )  
Ohio Rev. Code §4905.13 )

---

**MEMORANDUM IN SUPPORT OF  
THE ENERGY PROFESSIONALS OF OHIO  
MOTION TO INTERVENE OUT OF TIME**

---

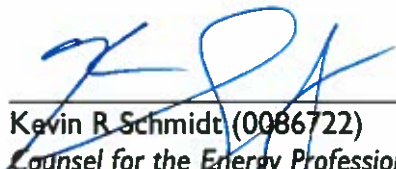
Ohio Administrative Code 4901-1-11(A) states that "upon timely motion, any person shall be permitted to intervene in a proceeding up on a showing that ... [t]he person has a real and substantial interest in the proceeding, and the person is so situated that the disposition of the proceeding may, as a practical matter, impair or impede his or her ability to protect that interest, unless the person's interest is adequately represented by existing parties." O.A.C. 4901-1-11(A). In considering a motion to intervene, the Commission is directed by O.A.C. 4901-1-11(B) to certain criteria for consideration. Those are:

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 cases.
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.

The EPO has a unique interest in this case because it is the only group representing businesses whose primary role is to serve retail customers through interpretation and consultation of products offered by Competitive Retail Electric Service (CRES) providers. Ensuring that the competitive market in Dayton Power and Light's service territory is protected in this filing is vital to the EPO's members continued existence. The EPO will not unduly prolong or delay the proceedings. The EPO's membership is comprised of individuals whose collective experience in electric utility issues spans decades and will significantly contribute to full development and equitable resolution of the factual issues. Finally, existing parties do not represent the EPO's interest.

Accordingly, the EPO has a real and substantial interest and is entitled to intervene in this action under O.A.C. 4901-1-11.

Respectfully Submitted,



---

Kevin R. Schmidt (0086722)  
*Counsel for the Energy Professionals of Ohio*  
88 East Broad Street, Suite 1770  
Columbus, OH 43215  
(614) 507-1050  
[schmidt@sppgrp.com](mailto:schmidt@sppgrp.com)

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that this motion to intervene out of time has been served by electronic service to the parties identified below this 7<sup>th</sup> day of March, 2016.



---

Kevin Schmidt, Esq.

Dayton Power and Light Company  
Donna Seger-Lawson  
1065 Woodman Drive  
Dayton, Ohio 45432  
Donna.seger-lawson@dplinc.com

David Boehm  
Michael Kurtz  
Kurt Boehm  
Jody Kyler Cohn  
Boehm, Jurtz & Lowry  
36 E. Seventh St. Suite 1510  
Cincinnati, OH 45202  
[dboehm@bkllawfirm.com](mailto:dboehm@bkllawfirm.com)  
[mkurtz@bkllawfirm.com](mailto:mkurtz@bkllawfirm.com)  
[kboehm@bkllawfirm.com](mailto:kboehm@bkllawfirm.com)  
[jklylercohn@bkllawfirm.com](mailto:jklylercohn@bkllawfirm.com)

Madeline Fleisher  
Environmental Law & Policy Center  
21 West Broad St., Suite 500  
Columbus, OH 43215  
(614) 670 -5586  
mfleisher@elpc.org

**This foregoing document was electronically filed with the Public Utilities**

**Commission of Ohio Docketing Information System on**

**3/7/2016 2:59:03 PM**

**in**

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

Summary: Motion to intervene of the Energy Professionals of Ohio electronically filed by Mr. Kevin R Schmidt on behalf of The Energy Professionals of Ohio