

**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)	

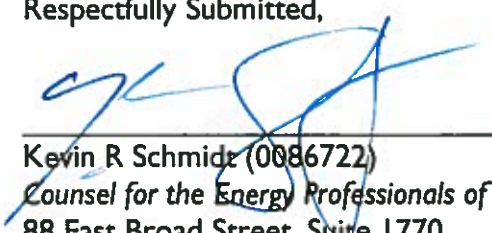
In the Matter of The Application of The Dayton)	
Power and Light Company for Approval of)	Case No. 16-0396-EL-ATA
Revised Tariffs)	

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

In the Matter of The Application of The Dayton
Power and Light Company for Approval of its
Electric Security Plan)
)
)

Case No. 16-0395-EL-SSO

In the Matter of The Application of The Dayton
Power and Light Company for Approval of
Revised Tariffs)
)
)

Case No. 16-0396-EL-ATA

In The Matter of The Application of The Dayton
Power And Light Company For Approval of
Certain Accounting Authority Pursuant to
Ohio Rev. Code §4905.13)
)
)

Case No. 16-0397-EL-AAM

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

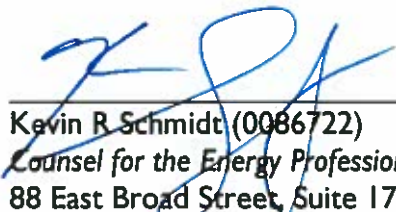
Ohio Administrative Code 4901-1-11(A) states that "upon timely motion, any person shall be permitted to intervene in a proceeding up on a showing that ... [t]he person has a real and substantial interest in the proceeding, and the person is so situated that the disposition of the proceeding may, as a 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

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 7th 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
mkurtz@bkllawfirm.com
kboehm@bkllawfirm.com
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