

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of The)	
Dayton Power & Light Company for)	Case No. 16-395-EL-SSO
Approval of its Electric Security Plan.)	

In the Matter of the Application of The)	
Dayton Power & Light Company for)	Case No. 16-396-EL-ATA
Approval of Revised Tariffs.)	

In the Matter of the Application of The)	
Dayton Power & Light Company for)	Case No. 16-397-EL-AAM
Approval of Certain Accounting Authority)	
Pursuant to Ohio Rev. Code § 4905.13.)	

**JOINT MOTION FOR LEAVE TO INTERVENE OF
THE PJM POWER PROVIDERS GROUP AND
THE ELECTRIC POWER SUPPLY ASSOCIATION**

Pursuant to Section 4903.221, Revised Code, and Rule 4901-1-11, Ohio Administrative Code, the PJM Power Providers Group (“P3”) and the Electric Power Supply Association (“EPSA”) jointly move the Public Utilities Commission of Ohio (“Commission”) for intervention in this proceeding as full parties of record as further explained in the attached Memorandum in Support.

WHEREFORE, P3 and EPSA (herein after “Wholesale Suppliers”) respectfully request that the Commission grant this motion for joint intervention, given their interests, in this proceeding.

Respectfully Submitted,

/s/ Gretchen L. Petrucci

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**MEMORANDUM IN SUPPORT OF THE MOTION TO INTERVENE OF
THE PJM POWER PROVIDERS GROUP AND
THE ELECTRIC POWER SUPPLY ASSOCIATION**

The PJM Power Providers Group (“P3”) is a non-profit organization whose members are energy providers in the PJM Interconnection LLC (“PJM”) region, conduct business in the PJM balancing authority area, and are signatories to various PJM agreements. Altogether, P3 members own over 84,000 megawatts (“MWs”) of generation assets, produce enough power to supply over 20 million homes, and employ over 40,000 people in the PJM region, representing 13 states and the District of Columbia. P3 strongly believes that properly designed and well-functioning competitive markets are the most effective means of ensuring a reliable supply of power to the PJM region, facilitating investments in energy generation of all types, and promoting prices that will allow consumers to enjoy the benefits of competitive electricity markets.¹

The Electric Power Supply Association (“EPSA”) is a national trade association representing leading competitive power suppliers, including generators and marketers. Competitive suppliers, which collectively account for 40 percent of the installed generating capacity in the United States, provide reliable and competitively priced electricity from environmentally responsible facilities. EPSA seeks to bring the benefits of competition to all power customers.²

P3 and EPSA (jointly “Wholesale Suppliers”) seek intervention as full parties of record in this proceeding out of concern that the application may have an adverse effect on the wholesale and retail markets both in Ohio and throughout the PJM regional system.

The standard for intervention at the Public Utilities Commission of Ohio (“Commission”) is governed by Rule 4901-1-11, Ohio Administrative Code, promulgated pursuant to Section 4903.221, Revised Code.

¹ The positions taken in this proceeding by P3 do not necessarily reflect the specific views of any particular member of P3 with respect to any argument or issue, but collectively will present P3’s positions.

² The positions taken in this proceeding do not necessarily reflect the specific views of any particular member of EPSA with respect to any argument or issue, but collectively will present EPSA’s positions.

Rule 4901-1-11, Ohio Administrative Code, states in part:

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.

To determine a direct interest, the factors that the Commission considers in implementing the above rule are the nature of the intervenor's interest, the extent that interest is represented by existing parties, the intervenor's potential contribution to a just and expeditious resolution of the issues involved, and whether intervention would result in an undue delay of the proceeding. (See also, Section 4903.221(B), Revised Code). A review of the intervention criteria in light of the following facts supports granting the Wholesale Suppliers' intervention.

In its application, The Dayton Power & Light Company ("DP&L") is requesting Commission approval of a standard service offer ("SSO") pursuant to Section 4928.141, Revised Code. DP&L proposes to implement an Electric Security Plan ("ESP") that will have a term of January 1, 2017 through December 31, 2026. The plan includes a proposed Reliable Electricity Rider ("RER") for a term of ten years. Under the RER proposal, prior to the start of each calendar year, projections will be made of annual variances between (1) the revenue requirement for plants (including return on and of invested capital, income taxes and fixed O&M), and (2) the revenues expected to be earned by that fleet of plants from the sale of capacity (net of capacity penalties, energy, net of fuel, emission allowance costs, and variable operating costs) and ancillary services to PJM markets. The annual variance would be transferred between DP&L and an unregulated affiliate ("Ohio Genco"). The RER would include the generation, capacity and ancillary services from:

- Stuart Station Units #1-4
- Zimmer Unit #1

- Miami Fort Units #7 and #8
- Killen Unit #2
- Conesville Unit #4
- Ohio Valley Electric Corporation's Clifty Creek Units #1-6 and Kyger Creek Units #1-5

DP&L proposes to maintain 100% competitive bidding for its standard service offer load, in essentially the same process that exists currently. It proposes two auctions to be conducted for the procurement in the first period, June 1, 2017 to May 31, 2018. One auction is proposed to be held for subsequent twelve month periods with varying product lengths of 7, 12, 19, 24, 31, 36 and 43 months for a total of eleven auctions in the ESP. The twelve-month delivery periods will align with the PJM calendar with an exception in the final period which will be June 1, 2026 to December 31, 2026. DP&L also plans for winning bidders of its auctions to supply Renewable Energy Credits sufficient to cover their obligation relating to the amount of SSO load that winning bidders are obligated to supply.

The Wholesale Suppliers are an interested party to this proceeding. Specifically, the two trade associations' member companies may be potential participants in any wholesale auction that results from this proceeding. The Wholesale Suppliers' intervention and participation will promote the public interest in viable and competitive wholesale markets. Moreover, DP&L's RER proposal will have a direct impact on the wholesale market as certain DP&L generation facilities will receive cost recovery for all facility output, if approved. DP&L's application raises factual and legal issues which the Commission must fully understand prior to making a decision. Since the Wholesale Suppliers' members are wholesale market participants in the Ohio and PJM market, the Wholesale Suppliers can assist the Commission by providing evidence for the record which contains information and a practical perspective which only those active in the wholesale market can provide. The Wholesale Suppliers through its members have a unique interest in this proceeding that cannot be represented by existing parties, pursuant to Rule 4901-1-11(B)(5) of the Ohio Administrative

Code. Finally, the Wholesale Suppliers' request for intervention is timely, and similar requests have been granted in both the AEP Ohio and FirstEnergy PPA proceedings.³

For the reasons listed above, the Wholesale Providers respectfully submit that they meet the criteria set forth in Section 4903.221, Revised Code and Rule 4901-1-11 of the Ohio Administrative Code for intervention, and they have met the established intervention deadline.

For purposes of receiving service in the proceeding, in addition to the undersigned, P3 requests that the following individuals be placed on the official service list:

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WHEREFORE, Wholesale Suppliers respectfully request that the Commission grant P3's and EPSA's motion for leave to intervene and that they be made full parties of record.

³ See *In re Application of Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company*, Case No. 14-1297-EL-SSO, Entry dated December 1, 2014 at p.3 (granting intervention) and see *In re Application Seeking Approval of Ohio Power Company's Proposal to Enter into an Affiliate Power Purchase Agreement for Inclusion in the Power Purchase Agreement Rider*, Case No. 14-1693-EL-RDR, Entry dated September 15, 2015 at p.4 (granting intervention).

Respectfully Submitted,

/s/ Gretchen L. Petrucci

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CERTIFICATE OF SERVICE

The Public Utilities Commission of Ohio's e-filing system will electronically serve notice of the filing of the public version of this document on the parties referenced in the service list of the docket card who have electronically subscribed to these cases. In addition, the undersigned certifies that a courtesy copy of the foregoing document is also being served upon the persons below via electronic mail this 15th day of April, 2016.

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

Summary: Motion (Joint Motion) to Intervene electronically filed by Mrs. Gretchen L. Petrucci on behalf of PJM Power Providers Group and Electric Power Supply Association