

FILE

FAX

BEFORE THE  
PUBLIC UTILITIES COMMISSION OF OHIO

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

Case No. 16-395-EL-SSO

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

Case No. 16-396-EL-ATA

JUN 30 2016

In the Matter of the Application of The )  
Dayton Power and Light Company for )  
Approval of Certain Accounting )  
Authority. )

Case No. 16-397-EL-AAM

RECEIVED  
DOCKETING DIVISION  
Public Utilities Commission of Ohio

MOTION TO INTERVENE OF  
PJM INTERCONNECTION, L.L.C.

Pursuant to Ohio Revised Code section 4903.221 and Ohio Administrative Code 4901-1-11, PJM Interconnection, L.L.C. ("PJM") respectfully moves to intervene in the above-captioned proceedings. As explained more fully in the attached Memorandum in Support, PJM has real and substantial interest in these proceedings. PJM's interest cannot be adequately represented by any other party to this proceeding and its participation in this proceeding will contribute to a just and expeditious resolution of the issues and factual questions. Furthermore, PJM's participation will not unduly delay the proceedings or prejudice any other party.

WHEREFORE, PJM respectfully requests that the Public Utilities Commission of Ohio grant its Motion to Intervene and that it be made a party of record in this proceeding, with the full rights and powers granted to an intervening party.

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Respectfully Submitted,

/s/ Evelyn R. Robinson

Evelyn R. Robinson (0022836)  
Attorney for PJM Interconnection, L.L.C.  
2750 Monroe Blvd.  
Audubon, PA 19403  
Cell: (610) 639-0491  
Fax: (610) 666-4281  
Email: [evelyn.robinson@pjm.com](mailto:evelyn.robinson@pjm.com)

June 30, 2016

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**MEMORANDUM IN SUPPORT**

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PJM Interconnection, L.L.C. ("PJM") is an Independent System Operator and Regional Transmission Organization ("RTO") authorized by the Federal Energy Regulatory Commission ("FERC") that operates in Ohio, and all or parts of Delaware, District of Columbia, Illinois, Indiana, Kentucky, Maryland, Michigan, New Jersey, North Carolina, Pennsylvania, Tennessee, Virginia, and West Virginia. PJM is a transmission provider under, and the administrator of, the PJM Open Access Transmission Tariff ("PJM Tariff"), operates the PJM Interchange Energy Market and Reliability Pricing Model capacity market, and coordinates the movement of wholesale electricity in the PJM Region, which includes the service territory of the Dayton Power & Light Company ("DP&L").

On February 22, 2016, DP&L filed an application with the Public Utilities Commission of Ohio ("Commission") seeking approval for an Electric Security Plan for

the period of January 1, 2017 through December 31, 2026. The Electric Security Plan includes a Reliable Electricity Rider ("RER"), associated with the generation, capacity and ancillary services in the following generating units: Stuart Station Units 1 – 4; Zimmer Unit 1; Miami Fort Units 7 and 8; Killen Unit 2; Conesville Unit 4; and Ohio Valley Electric Corporation's Clifty Creek Units 1-6 and Kyger Creek Units 1-5. The RER proposal provides that, prior to the beginning of each calendar year, the RER projections would be made of annual variances between (a) the revenue requirements for these plants and (b) the revenues expected to be earned by that plant from the sale of capacity, energy, and ancillary services into the PJM markets. The annual variance determined would be transferred from DP&L to its unregulated affiliate, Ohio Genco. If approved, DP&L's proposal would ensure the continued operation of the units subject to the RER.

Ohio Revised Code section 4903.221 authorizes intervention by a party who may be adversely affected by the proceeding. Ohio Administrative Code ("O.A.C.") Rule 4901-1-11 permits intervention of any person who has a real and substantial interest in the proceeding. Under these rules, the Commission considers the following factors when determining whether to grant intervention:

- (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 case;
- (3) whether the intervention by the prospective intervenor will unduly prolong or delay the proceeding;

- (4) whether the prospective intervenor will significantly contribute to full development and equitable resolution of the factual issues; and
- (5) the extent to which the intervenor's interest is represented by any existing party.

First, the nature and extent of PJM's interest is to ensure DP&L's RER proposal will not negatively impact PJM's ability to administer efficient and competitive wholesale energy, ancillary service and capacity markets, and maintain the reliability of the transmission system in the PJM Region, which includes the state of Ohio.

Second, PJM's legal position relates to how a Commission order and DP&L's implementation of its RER proposal may impact the wholesale energy, ancillary service and capacity markets that PJM administers, including reliability of the electric grid in the PJM Region. Thus, PJM's position is directly related to the merits of these proceedings.

Third, PJM is submitting this motion to intervene within the timeframe established by the Attorney Examiners in this proceeding. Moreover, the Attorney Examiners have not established a discovery deadline or a hearing date. As a result, PJM's intervention will not unduly prolong or delay the proceeding.

Fourth, PJM's intervention will contribute to the full development and equitable resolution of the factual issues at hand. As an RTO directly impacted by this proceeding, PJM will provide information regarding the capacity, energy and ancillary service markets as well as the transmission system in Ohio and the broader PJM Region to provide greater context to aid the Commission in its decision-making in this proceeding.

Finally, PJM's interests are not represented by an existing party. PJM is the sole administrator and operator of the wholesale energy, ancillary service and capacity markets in the region in which DP&L resides and participates, and in that role is responsible for determining whether an offer, bid or components of an offer or bid submitted by a market participant complies with PJM's market rules.<sup>1</sup> PJM is also the sole entity that plans for regional transmission expansion,<sup>2</sup> and the sole entity that maintains reliability of the grid on a regional basis.<sup>3</sup> Accordingly, PJM has an independent interest in these proceedings that no other party can represent adequately.

For these reasons, PJM satisfies the requirements for intervention in these proceedings, as set forth in statute and in rule. Accordingly, PJM respectfully requests that the Commission grant its intervention with full rights and powers of a party.

Respectfully Submitted,

/s/ Evelyn R. Robinson

Evelyn R. Robinson (0022836)  
Attorney for PJM Interconnection, L.L.C.  
2750 Monroe Blvd.  
Audubon, PA 19403  
Cell: (610) 639-0491  
Fax: (610) 666-4281  
Email: evelyn.robinson@pjm.com

June 30, 2016

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<sup>1</sup> Amended and Restated Operating Agreement of PJM Interconnection, L.L.C. ("Operating Agreement"), section 10.4; PJM Tariff, section 12A.

<sup>2</sup> Operating Agreement, section 10.4 and Schedule 6; PJM Tariff, section 28.2.

<sup>3</sup> Operating Agreement, section 10.4; PJM Tariff, section 33.2, 33.7.

## CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Motion to Intervene of PJM Interconnection, L.L.C. and Memorandum in Support was served this 30th day of June 2016 via electronic mail upon the individuals listed below.

/s/ Evelyn R. Robinson

Counsel for PJM Interconnection, L.L.C.

Charles J. Faruki (Reg. No. 0010417)  
(Counsel of Record)  
D. Jeffrey Ireland (Reg. No. 0010443)  
Jeffrey S. Sharkey (Reg. No. 0067892)  
FARUKI IRELAND & COX P.L.L.  
110 North Main Street, Suite 1600  
Dayton, OH 45402  
[cfaruki@ficlaw.com](mailto:cfaruki@ficlaw.com)  
[djieland@ficlaw.com](mailto:djieland@ficlaw.com)  
[jsharkey@ficlaw.com](mailto:jsharkey@ficlaw.com)

### **COUNSEL FOR THE DAYTON POWER AND LIGHT COMPANY**

Jeffrey W. Mayes  
General Counsel  
Monitoring Analytics, LLC  
2621 Van Buren Avenue, Suite 160  
Valley Forge Corporate Center  
Eagleville, PA 19403  
[jeffrey.mayes@monitoringanalytics.com](mailto:jeffrey.mayes@monitoringanalytics.com)

### **COUNSEL FOR MONITORING ANALYTICS, LLC**

Kevin R. Schmidt (Reg. No. 0086722)  
Strategic Public Partners  
88 East Broad Street, Suite 1770  
Columbus, OH 43215  
[schmidt@sppgrp.com](mailto:schmidt@sppgrp.com)

### **COUNSEL FOR ENERGY PROFESSIONALS OF OHIO**

Madeline Fleisher  
Kristin Field  
Environmental Law & Policy Center  
21 West Broad St., Suite 500  
Columbus, OH 43215  
[mfleisher@elpc.org](mailto:mfleisher@elpc.org)

### **COUNSEL FOR THE ENVIRONMENTAL LAW & POLICY CENTER**

David F. Boehm, Esq.  
Michael L. Kurtz, Esq.  
Kurt J. Boehm, Esq.  
Jody Kyler Cohn, Esq.  
Boehm, Kurtz & Lowry  
36 East Seventh Street, Suite 1510  
Cincinnati, OH 45202  
[dboehm@BKLawfirm.com](mailto:dboehm@BKLawfirm.com)  
[mkurtzt@BKLawfirm.com](mailto:mkurtzt@BKLawfirm.com)  
[kboehm@BKLawfirm.com](mailto:kboehm@BKLawfirm.com)  
[jkylercohn@BKLawfirm.com](mailto:jkylercohn@BKLawfirm.com)

### **COUNSEL FOR OHIO ENERGY GROUP**

William J. Michael (Reg. No. 0070921)  
Counsel of Record  
Kevin F. Moore (Reg. No. 0089228)  
10 West Broad Street, Suite 1800  
Columbus, OH 43215-3485  
[William.Michael@occ.ohio.gov](mailto:William.Michael@occ.ohio.gov)  
[Kevin.Moore@occ.ohio.gov](mailto:Kevin.Moore@occ.ohio.gov)

### **COUNSEL FOR OFFICE OF THE OHIO CONSUMERS' COUNSEL**

Ryan P. O'Rourke (Reg. No. 0082651)  
Carpenter Lipps & Leland LLP  
280 Plaza, Suite 1300  
280 North High Street  
Columbus, OH 43215  
[O'Rourke@carpenterlipps.com](mailto:O'Rourke@carpenterlipps.com)

**COUNSEL FOR THE KROGER CO.**

Michael J. Settineri  
Stephen M. Howard  
Gretchen L. Petrucci  
Ilya Batikov Vorys, Sater, Seymour and Pease LLP  
52 E. Gay Street  
Columbus, OH 43215  
[mjsettineri@vorys.com](mailto:mjsettineri@vorys.com)  
[smhoward@vorys.com](mailto:smhoward@vorys.com)  
[glpetrucci@vorys.com](mailto:glpetrucci@vorys.com)  
[ibatikov@vorys.com](mailto:ibatikov@vorys.com)  
**COUNSEL FOR DYNEGY INC., PJM POWER  
PROVIDERS GROUP AND THE ELECTRIC POWER  
SUPPLY ASSOCIATION**

Michael D. Dortch (Reg. No. 0043897)  
Richard R. Parsons (Reg. No. 0082270)  
Kravitz, Brown & Dortch, LLC  
65 East State Street, Suite 200  
Columbus, OH 43215  
[mdortch@kravitzllc.com](mailto:mdortch@kravitzllc.com)  
[rparsons@kravitzllc.com](mailto:rparsons@kravitzllc.com)

**COUNSEL FOR NOBLE AMERICAS ENERGY  
SOLUTIONS LLC**

Kimberly W. Bojko (Reg. No. 0069402)  
Danielle M. Ghiloni (Reg. No. 0085245)  
Carpenter Lipps & Leland LLP  
280 North High Street, Suite 1300  
Columbus, OH 43215  
[Bojko@carpenterlipps.com](mailto:Bojko@carpenterlipps.com)  
[Ghiloni@carpenterlipps.com](mailto:Ghiloni@carpenterlipps.com)

**COUNSEL FOR THE OHIO MANUFACTURERS'  
ASSOCIATION ENERGY GROUP**

Joseph Olikier (Reg. No. 0086088)  
IGS Energy  
6100 Emerald Parkway  
Dublin, OH 43016  
[joliker@igsenergy.com](mailto:joliker@igsenergy.com)

**COUNSEL FOR IGS ENERGY**

Colleen L. Mooney  
231 West Lima Street  
PO Box 1793  
Findlay, OH 45839-1793  
[cmooney@ohiopartners.org](mailto:cmooney@ohiopartners.org)

**COUNSEL FOR OHIO PARTNERS FOR AFFORDABLE  
ENERGY**



Trent Dougherty (Reg. No. 0079817)  
1145 Chesapeake Ave., Suite 1  
Columbus, OH 43212-3449  
[tdougherty@theOEC.org](mailto:tdougherty@theOEC.org)

**COUNSEL FOR THE OHIO ENVIRONMENTAL  
COUNCIL AND ENVIRONMENTAL DEFENSE FUND**

Richard L. Sites  
Regulatory Counsel Ohio Hospital Association  
155 East Broad Street, 3rd Floor  
Columbus, OH 43215-3620  
[rick.sites@ohiohospitals.org](mailto:rick.sites@ohiohospitals.org)

**COUNSEL FOR THE OHIO HOSPITAL ASSOCIATION**

Richard C. Sahli (Reg. No. 0007360)  
Richard Sahli Law Office, LLC  
981 Pinewood Lane  
Columbus, OH 43230-3662  
[rsahli@columbus rr.com](mailto:rsahli@columbus rr.com)

Tony Mendoza  
Sierra Club Environmental Law Program  
2101 Webster St., 13th Floor  
Oakland, CA 94612  
[Tony.mendoza@sierraclub.org](mailto:Tony.mendoza@sierraclub.org)

**COUNSEL FOR SIERRA CLUB**

Joel E. Sechler (Reg. No. 0076320)  
Carpenter Lipps & Leland LLP  
280 North High Street, Suite 1300  
Columbus, OH 43215  
[Sechler@carpenterlipps.com](mailto:Sechler@carpenterlipps.com)

Gregory J. Poulos (Reg. No. 0070532)  
EnerNOC, Inc.  
PO Box 29492  
Columbus, OH 43229  
[gpoulos@enernoc.com](mailto:gpoulos@enernoc.com)

**COUNSEL FOR ENERNOC, INC.**

Matthew Warnock  
Dylan Borchers Bricker & Eckler LLP  
100 South Third Street  
Columbus, OH 43215-4291  
[mwarnock@bricker.com](mailto:mwarnock@bricker.com)  
[dborchers@bricker.com](mailto:dborchers@bricker.com)

**COUNSEL FOR THE OHIO HOSPITAL ASSOCIATION**

Steven D. Lesser (Reg. No. 0020242)  
James F. Lang (Reg. No. 0059668)  
N. Trevor Alexander (Reg. No. 0080713)  
Calfee, Halter & Griswold LLP  
41 S. High St.  
1200 Huntington Center  
Columbus, OH 43215  
[slesser@calfee.com](mailto:slesser@calfee.com)  
[jlang@calfee.com](mailto:jlang@calfee.com)  
[tallexander@calfee.com](mailto:tallexander@calfee.com)

**COUNSEL FOR THE CITY OF DAYTON AND HONDA  
OF AMERICA MFG., INC.**

Amy B. Spiller (Reg. No. 0047277)  
Elizabeth H. Watts (Reg. No. 0031092)  
139 East Fourth Street  
1303-Main  
Cincinnati, OH 45202

**COUNSEL FOR THE DUKE ENERGY OHIO, INC.**

Lisa Hawrot  
Spilman Thomas & Battle, PLLC  
Century Centre Building  
1233 Main Street, Suite 4000  
Wheeling, WV 26003  
[lhawrot@spilmanlaw.com](mailto:lhawrot@spilmanlaw.com)

Derrick Price Williamson  
Spilman Thomas & Battle, PLLC  
1100 Bent Creek Blvd., Suite 101  
Mechanicsburg, PA 17050  
[dwilliamson@spilmanlaw.com](mailto:dwilliamson@spilmanlaw.com)

Carrie M. Harris  
Spilman Thomas & Battle, PLLC  
310 First Street, Suite 1100  
PO Box 90  
Roanoke, VA 24002-0090

**COUNSEL TO WAL-MART STORES EAST, LP AND  
SAM'S EAST, INC.**

Terrence O'Donnell  
Raymond Seiler  
Dickinson Wright PLLC  
150 E. Gay Street, Suite 2400  
Columbus, OH 43215  
[todonnell@dickinsonwright.com](mailto:todonnell@dickinsonwright.com)  
[rseiler@dickinsonwright.com](mailto:rseiler@dickinsonwright.com)

Ellis Jacobs  
130 West Second Street, Suite 700  
East Dayton, OH 45402  
[ejacobs@ablelaw.org](mailto:ejacobs@ablelaw.org)

**COUNSEL TO EDMONT NEIGHBORHOOD  
COALITION AND ADVOCATES FOR BASIC LEGAL  
EQUALITY**

**COUNSEL TO MID-ATLANTIC RENEWABLE ENERGY  
COALITION**

John R. Doll  
Matthew T. Crawford  
111 W. First Street, Suite 1100  
Dayton, OH 45402-1156  
[jdoll@djflawfirm.com](mailto:jdoll@djflawfirm.com)  
[mcrawford@djflawfirm.com](mailto:mcrawford@djflawfirm.com)

William L. Wright (Reg. No. 0018010)  
Chief, Public Utilities Section Office of Attorney  
General  
180 East Broad Street, 6th Floor  
Columbus, OH 43215-3793  
[william.wright@puc.state.oh.us](mailto:william.wright@puc.state.oh.us)

**COUNSEL FOR UTILITY WORKERS OF AMERICA,  
LOCAL 175**

**COUNSEL FOR THE STAFF OF THE PUBLIC  
UTILITIES COMMISSION OF OHIO**

Bryce McKenney  
Gregory Price  
Attorney Examiners Legal Department  
Public Utilities Commission of Ohio  
180 East Broad Street, 12th Floor  
Columbus OH 43215  
[bryce.mckenney@puc.state.oh.us](mailto:bryce.mckenney@puc.state.oh.us)  
[gregory.price@puc.state.oh.us](mailto:gregory.price@puc.state.oh.us)

**ATTORNEY EXAMINERS**

Frank P. Darr (Reg. No. 0025469)  
(Counsel of Record)  
Matthew R. Pritchard (Reg. No. 0088070)  
MCNEES WALLACE & NURICK LLC  
21 East State Street, 17TH Floor  
Columbus, OH 43215  
[fdarr@mwncmh.com](mailto:fdarr@mwncmh.com)  
[mpritchard@mwncmh.com](mailto:mpritchard@mwncmh.com)

**COUNSEL FOR INDUSTRIAL ENERGY USERS-OHIO**