

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of The            )  
Dayton Power and Light Company for an        )  
Increase in its Electric Distribution Rates.    )

Case No. 15-1830-EL-AIR

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

Case No. 15-1831-EL-AAM

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

Case No. 15-1832-EL-ATA

**MOTION TO INTERVENE OF  
RETAIL ENERGY SUPPLY ASSOCIATION**

In accordance with R.C. 4903.221 and Ohio Adm. Code 4901-1-11, the Retail Energy Supply Association (RESA) respectfully requests issuance of an order granting intervention in this proceeding. A Memorandum in Support follows.

Respectfully submitted,

/s/ Mark A. Whitt

Mark A. Whitt (0067996)  
Andrew J. Campbell (0081485)  
Rebekah J. Glover (0088798)  
WHITT STURTEVANT LLP  
The KeyBank Building, Suite 1590  
88 East Broad Street  
Columbus, Ohio 43215  
Telephone: (614) 224-3946  
Facsimile: (614) 224-3960  
whitt@whitt-sturtevant.com  
campbell@whitt-sturtevant.com  
glover@whitt-sturtevant.com

ATTORNEYS FOR RETAIL ENERGY  
SUPPLY ASSOCIATION

## MEMORANDUM IN SUPPORT

R.C. 4903.221 confers a right to intervene to any person who may be “adversely affected” by a Commission proceeding. In considering a request to intervene, the Commission must consider 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, and whether intervention would unduly delay the proceeding. *See* R.C. 4903.221(B)(1-4). *See also* Ohio Admin. Code 4901-1-11.

RESA meets all of the criteria for intervention. RESA is a non-profit 501(c)(6) organization headquartered in Harrisburg, Pennsylvania. Its member companies supply retail electricity and natural gas to residential, commercial, industrial, and governmental customers throughout the United States. In Ohio, RESA members serve customers throughout the state, including the service territory of The Dayton Power and Light Company (DP&L).<sup>1</sup> RESA is and has historically been active in many electric industry proceedings at the Commission since its inception.

RESA’s Ohio members have existing and potential business interests in DP&L’s service territory that will be affected by the outcome of this proceeding. The Commission will consider changes to DP&L’s distribution rates and tariffs, as well as changes to DP&L’s distribution operations that will likely have an impact on customers of RESA members. These interests cannot be adequately represented by other parties. The Commission’s decision in this matter will affect the continued viability of the competitive retail electric market in DP&L’s service

---

<sup>1</sup> RESA’s Ohio members are AEP Energy, APG&E, Calpine Energy Solutions, Champion Energy Services LLC, Constellation NewEnergy Inc, Crius, Direct Energy Services LLC, Dynegy, ENGIE Resources, Entrust Energy, IGS Energy, Just Energy, Liberty Power, NextEra Energy Services, Nordic Energy Services, LLC, NRG Energy Inc., Source Energy, Spark Energy, and Starion Energy.

territory, where RESA members provide electric power and other products and services to retail customers. RESA's participation in this proceeding will contribute to a just resolution of the issues affecting its members, and will not unduly prolong or delay the proceeding.

Accordingly, RESA respectfully requests that the Commission grant this Motion to Intervene and that it be made a full party of record.

Dated: September 6, 2017

Respectfully submitted,

/s/ Mark A. Whitt

Mark A. Whitt (0067996)  
Andrew J. Campbell (0081485)  
Rebekah J. Glover (0088798)  
WHITT STURTEVANT LLP  
The KeyBank Building, Suite 1590  
88 East Broad Street  
Columbus, Ohio 43215  
Telephone: (614) 224-3946  
Facsimile: (614) 224-3960  
whitt@whitt-sturtevant.com  
campbell@whitt-sturtevant.com  
glover@whitt-sturtevant.com  
(Counsel willing to accept service by email)

ATTORNEYS FOR RETAIL ENERGY  
SUPPLY ASSOCIATION

## CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion to Intervene and Memorandum in

Support was served by electronic mail this 6th day of September, 2017 to the following:

michael.schuler@aes.com	charris@spilmanlaw.com
cfaruki@ficlaw.com	stephen.chriss@walmart.com
djureland@ficlaw.com	greg.tillman@walmart.com
jsharkey@ficlaw.com	rdove@attorneydove.com
fdarr@mwncmh.com	swilliams@nrdc.org
mpritchard@mwncmh.com	slessor@calfee.com
christopher.healey@occ.ohio.gov	jlang@calfee.com
terry.etter@occ.ohio.gov	talexander@calfee.com
bojko@carpenterlipps.com	tdougherty@theoec.org
perko@carpenterlipps.com	jfinnigan@edf.org
dboehm@bkllawfirm.com	cmooney@ohiopartners.org
mkurtz@bkllawfirm.com	thomas.jernigan.3@us.af.mil
jkylercohn@bkllawfirm.com	ejacobs@ablelaw.org
paul@carpenterlipps.com	joliker@igsenergy.com
sechler@carpenterlipps.com	mnugent@igsenergy.com
mfleisher@elpc.org	rick.sites@ohiohospitals.org
fvickers@elpc.org	dborchers@bricker.com
rkelter@elpc.org	mwarnock@bricker.com
kurt.helfrich@thompsonhine.com	jdoll@djflawfirm.com
stephanie.chmiel@thompsonhine.com	mcrawford@djflawfirm.com
michael.austin@thompsonhine.com	thomas.mcnamee@ohioattorneygeneral.gov
dwilliamson@spilmanlaw.com	gregory.price@puco.ohio.gov
lhawrot@spilmanlaw.com	nicholas.walstra@puco.ohio.gov

/s/ Rebekah J. Glover

One of the Attorneys for Retail Energy Supply  
Association

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

**Commission of Ohio Docketing Information System on**

**9/6/2017 4:30:18 PM**

**in**

**Case No(s). 15-1830-EL-AIR, 15-1831-EL-AAM, 15-1832-EL-ATA**

Summary: Motion to Intervene and Memorandum in Support electronically filed by Ms. Rebekah J. Glover on behalf of Retail Energy Supply Association