

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of The Dayton Power and Light Company for Approval of Its Plan to Modernize Its Distribution Grid)	Case No. 18-1875-EL-GRD
)	
In the Matter of the Application of The Dayton Power and Light Company for Approval of a Limited Waiver of Ohio Adm.Code 4901:1-18-06(A)(2))	Case No. 18-1876-EL-WVR
)	
In the Matter of the Application of The Dayton Power and Light Company for Approval of Certain Accounting Methods)	Case No. 18-1877-EL-AAM
)	

**CORRECTED MOTION TO INTERVENE BY
THE ENVIRONMENTAL LAW & POLICY CENTER**

Pursuant to Ohio Revised Code 4903.221 and Ohio Administrative Code 4901-1-11, the Environmental Law & Policy Center (“ELPC”) respectfully moves to intervene in the above-captioned proceedings. This Corrected Motion to Intervene changes only dates in the initial Motion to Intervene by ELPC that were inadvertently incorrect.

As explained more thoroughly in the attached Memorandum in Support, ELPC has a real and substantial interest in this case, in which the Dayton Power & Light Company have filed a “Distribution Modernization Plan,” addressing topics related to clean energy resources and customer energy usage such as smart meters, use of distributed energy resources as “non-wires alternatives,” electric vehicles, and community solar. Additionally, the interests of ELPC are not adequately represented by any other party to this matter and its participation in this proceeding will contribute to a just and expeditious resolution of the issues and questions. Further, ELPC’s participation will not unduly delay the proceedings or prejudice any other party.

ELPC respectfully requests this Commission grant its motion to intervene for these reasons and those set forth in more detail in the attached Memorandum in Support.

January 30, 2019

Respectfully submitted,

/s/ Madeline Fleisher
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**MEMORANDUM IN SUPPORT OF THE MOTION TO INTERVENE BY
THE ENVIRONMENTAL LAW & POLICY CENTER**

Ohio Revised Code (“R.C.”) 4903.221 states that “[a]ny other person who may be adversely affected by a public utilities commission proceeding may intervene in such proceeding” provided the Public Utilities Commission of Ohio (“PUCO” or “Commission”) makes certain determinations. The Environmental Law & Policy Center (“ELPC”) is a non-profit environmental advocacy organization whose mission is to improve the Midwest’s environmental quality and economic development. ELPC is an advocate for both environmental health and sustainable economic development. As a regional organization with a presence and members in Ohio, ELPC and its members may be adversely affected by the outcome of this proceeding, and its interests are not adequately represented by the other parties hereto.

R.C. 4903.221 requires the Commission to consider four factors when presented with a motion to intervene. In addition, the Commission’s procedural rules at Ohio Administrative Code (“Ohio Adm. Code”) 4901-11-1 similarly provide that it shall consider five factors when

weighing a motion to intervene. ELPC's motion meets all of the factors required by statute and rule.

Pursuant to R.C. 4903.221, the Commission must consider:

- (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 proceedings; [and]
- (4) Whether the prospective intervenor will significantly contribute to full development and equitable resolution of the factual issues.

R.C. 4903.221(B).

With respect to the first factor, ELPC has a substantial interest in the consideration and potential implementation of the Distribution Modernization Plan proposed by the Dayton Power & Light Company ("DP&L"). ELPC has an interest in ensuring the cost-effective implementation of grid modernization technologies to reduce energy consumption and produce corresponding environmental benefits, and in ensuring that utilities recognize the value of distributed energy resources. Further, ELPC has members in Ohio and its work focuses on Ohio energy and environmental issues. DP&L's filing affects these interests because it relates to the Companies' long-term grid modernization plans and incorporation of distributed energy resources on the DP&L grid.

As to the second factor, because of the potential impacts on ELPC and its Ohio members, ELPC seeks to ensure DP&L's application complies with applicable law and policy, and if not, recommend appropriate solutions. Additionally, ELPC seeks the Commission's careful scrutiny of DP&L's proposal to ensure it is reasonably designed to deliver cost-effective grid modernization measures that maximize energy savings and environmental benefits.

Under the third factor, ELPC's inclusion will not unduly delay or prolong the proceeding. The Commission has not yet set a procedural schedule for the case, and ELPC is committed to working within any schedule that is imposed by this Commission to achieve the efficient and orderly disposition of the questions presented.

Finally, ELPC will significantly contribute to the full development and resolution of the proceeding by bringing its unique perspective to bear. ELPC has expertise and experience throughout the Midwest regarding clean energy policy that will contribute to resolving the pending issues. ELPC has participated in multiple proceedings other states regarding grid modernization efforts.

Similarly, ELPC meets the requirements set forth in Ohio Adm. Code 4901-11-1(B):

- (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 proceedings;
- (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 person's interest is represented by existing parties.

The first four factors mirror those in R.C. 4903.221, and for the same reasons as stated above, ELPC meets those factors. As to the fifth, ELPC maintains that no other party can adequately represent its interests as a regional environmental advocacy organization that also focuses on "green" economic development, including new manufacturing and job creation.

Finally, this Commission's policy is to "encourage the broadest possible participation in its proceedings." *Cleveland Elec. Illum. Co.*, Case No. 85-675-EL-AIR, Entry at 2 (January 14,

1986). ELPC's inclusion in this proceeding will contribute to this goal of broad participation in PUCO proceedings.

Because ELPC meets the criteria set forth in both R.C. 4903.221 and Ohio Adm. Code 4901-11-1, it respectfully asks this Commission to grant its motion to intervene in the above-captioned proceedings.

Respectfully submitted,

/s/ Madeline Fleisher
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*Counsel for the Environmental Law &
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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing Motion to Intervene submitted on behalf of the Environmental Law & Policy Center was served by electronic mail, upon all Parties of Record on January 30, 2019.

/s Madeline Fleisher
Madeline Fleisher

This foregoing document was electronically filed with the Public Utilities

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Case No(s). 18-1875-EL-GRD, 18-1876-EL-WVR, 18-1877-EL-AAM

Summary: Motion Corrected Motion to Intervene by the Environmental Law & Policy Center electronically filed by Madeline Fleisher on behalf of Environmental Law & Policy Center