

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of The)
Dayton Power and Light Company for) Case No. 19-162-EL-RDR
Extension of Its Distribution Modernization)
Rider)

**MOTION TO INTERVENE OF
THE OHIO MANUFACTURERS' ASSOCIATION ENERGY GROUP**

Pursuant to R.C. 4903.221 and Ohio Adm. Code 4901-1-11, the Ohio Manufacturers' Association Energy Group (OMAEG) respectfully moves the Public Utilities Commission of Ohio (Commission) to intervene in these matters with the full powers and rights granted to intervening parties. As demonstrated in the attached memorandum in support, OMAEG has real and substantial interests that these proceedings may adversely affect, and no existing parties adequately represent those interests. The Commission should grant this motion because OMAEG satisfies the standard for intervention set forth by statute and in the Commission's rules. A memorandum in support is attached.

Respectfully submitted,

/s/ Kimberly W. Bojko
Kimberly W. Bojko (0069402)
Brian W. Dressel (0097163)
Carpenter Lipps & Leland LLP
280 North High Street, Suite 1300
Columbus, Ohio 43215
Telephone: (614)-365-4100
Bojko@carpenterlipps.com
Dressel@carpenterlipps.com
(willing to accept service by email)

Counsel for OMAEG

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MEMORANDUM IN SUPPORT

On January 22, 2019, the Dayton Power and Light Company (DP&L) filed an Application seeking approval from the Public Utilities Commission of Ohio (Commission) to extend its Distribution Modernization Rider (Rider DMR) for two additional years.¹ DP&L asks that Rider DMR be set at \$199 million.²

Ohio Adm. Code 4901-1-11 permits intervention by an affected party that has a real and substantial interest in the proceeding and that is so situated that the disposition of the proceeding may impair or impede its ability to protect that interest and whose interest is not adequately represented by an existing party. Similarly, R.C. 4903.221 authorizes intervention in accordance with Commission-established deadlines where a party: may be adversely affected by the proceeding; will contribute to a full development and equitable resolution of factual issues; and will not unduly prolong or delay the proceedings.

OMAEG is a non-profit entity that strives to improve business conditions in Ohio and drive down the cost of doing business for Ohio manufacturers. OMAEG members and their representatives work directly with elected officials, regulatory agencies, the judiciary, and the

¹ See Application at 1 (January 22, 2019) (Application).

² Id.

media to provide education and information to energy consumers, regulatory boards and suppliers of energy; advance energy policies to promote an adequate, reliable, and efficient supply of energy at reasonable prices; and advocate in critical cases before the Commission. OMAEG members purchase electric services from DP&L and would see their bills impacted should the Commission approve DP&L's Application.

OMAEG has been a participant in other cases before the Commission involving rates charged by DP&L and costs recovered from customers, including the DP&L's pending application to establish a distribution modernization plan and the electric security plan (ESP) proceeding where Rider DMR was established.³ Here, OMAEG has an interest in ensuring that any charges allowed to be collected under Rider DMR serve to benefit customers and are in accordance with Ohio law. OMAEG hopes to ensure not only that all parties are afforded the opportunity to be heard on these important issues, but also that DP&L's customers have adequate time to assess the proposal and respond appropriately before the Commission renders a decision in this matter.

OMAEG has a direct, real, and substantial interest in the issues raised in this proceeding and is so situated that the disposition of the proceeding may, as a practical matter, impair or impede its ability to protect that interest. OMAEG is regularly and actively involved in Commission proceedings and, as in previous proceedings, OMAEG's unique knowledge and perspective will contribute to the full development and equitable resolution of the issues in this proceeding. OMAEG's interest will not be adequately represented by other parties to the proceeding and its timely intervention will not unduly delay or prolong the proceeding.

³ See, e.g., *In the Matter of the Application of The Dayton Power and Light Company for Approval of Its Plan to Modernize Its Distribution Grid, et al.*, Case No. 18-1875-EL-GRD, et al., Motion to Intervene of the Ohio Manufacturers' Association Energy Group (January 31, 2018); *In the Matter of the Application of The Dayton Power and Light Company to Establish a Standard Service Offer in the Form of an Electric Security Plan, et al.*, Case No. 16-395-EL-SSO, Entry at ¶ 5 (August 16, 2016).

As discussed above, OMAEG satisfies the criteria for intervention set out in R.C. 4903.221 and Ohio Adm. Code 4901-1-11. OMAEG, therefore, respectfully requests that the Commission grant this motion, allow OMAEG to intervene with the full powers and rights granted by the Commission to intervening parties, and make OMAEG a full party of record.

Respectfully submitted,

/s/ Kimberly W. Bojko
Kimberly W. Bojko (0069402)
Brian W. Dressel (0097163)
Carpenter Lipps & Leland LLP
280 North High Street, Suite 1300
Columbus, Ohio 43215
Telephone: (614)-365-4100
Bojko@carpenterlipps.com
Dressel@carpenterlipps.com
(willing to accept service by email)

Counsel for OMAEG

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing was served upon all parties of record via electronic mail March 25, 2019.

/s/ Brian W. Dressel
Brian W. Dressel

This foregoing document was electronically filed with the Public Utilities

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Case No(s). 19-0162-EL-RDR

Summary: Motion to Intervene of the Ohio Manufacturers' Association Energy Group
electronically filed by Mr. Brian W Dressel on behalf of The Ohio Manufacturers' Association
Energy Group