

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of The )	
Dayton Power and Light Company's )	Case No. 19-572-EL-UNC
Implementation of Certain Matters Relating to )	
the Tax Cuts and Jobs Act of 2017 )	
)	
In the Matter of the Application of The )	
Dayton Power and Light Company to )	Case No. 19-568-EL-ATA
Establish the Tax Savings Credit 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 under Ohio law the Commission's rules.

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](mailto:Bojko@carpenterlipps.com)  
[Dressel@carpenterlipps.com](mailto:Dressel@carpenterlipps.com)  
(willing to accept service by email)

*Counsel for OMAEG*

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of The )	
Dayton Power and Light Company's )	Case No. 19-572-EL-UNC
Implementation of Certain Matters Relating to )	
the Tax Cuts and Jobs Act of 2017 )	
)	
In the Matter of the Application of The )	
Dayton Power and Light Company to )	Case No. 19-568-EL-ATA
Establish the Tax Savings Credit Rider )	

---

**MEMORANDUM IN SUPPORT**

---

On March 1, 2019, the Dayton Power and Light Company (DP&L) filed an Application seeking approval from the Public Utilities Commission of Ohio (Commission) to establish the Tax Savings Cost Rider (Rider TSC).<sup>1</sup> DP&L states that Rider TSC will allow it to fulfill its commitments made in the stipulation resolving Case No. 15-1830-EL-AIR by returning certain benefits associated with the Tax Cuts and Jobs Act of 2017 (TCJA) to DP&L's customers.

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.

---

<sup>1</sup> See Application of the Dayton Power and Light Company (March 1, 2019).

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 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 by the proposed Rider TSC.

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 its most recent electric security plan (ESP) proceeding.<sup>2</sup> Here, OMAEG has an interest in ensuring that customers receive the full amount of TCJA savings to which they are entitled. 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 are afforded a fair process in the consideration of these matters.

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

---

<sup>2</sup> 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).

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.

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](mailto:Bojko@carpenterlipps.com)  
[Dressel@carpenterlipps.com](mailto: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 April 25, 2019.

/s/ Brian W. Dressel  
Brian W. Dressel

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

**Commission of Ohio Docketing Information System on**

**4/25/2019 4:07:03 PM**

**in**

**Case No(s). 19-0572-EL-UNC, 19-0568-EL-ATA**

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