

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

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

MOTION TO INTERVENE OF CHARGEPOINT, INC.

Pursuant to Ohio Revised Code Section (“R.C.”) 4903.221, Ohio Administrative Code (“OAC”) Rule 4901-1-11, ChargePoint, Inc. (“ChargePoint”) moves for leave to intervene in this proceeding. The Public Utilities Commission of Ohio (“Commission”) should grant ChargePoint leave to intervene because ChargePoint has a real and substantial interest in this proceeding, and the Commission’s disposition of this proceeding may impair or impede ChargePoint’s ability to protect that interest.

Consistent with the requirements of R.C. 4903.221 and OAC Rule 4901-1-11, ChargePoint is a real party in interest in this proceeding. ChargePoint submits that its interest is not represented by existing parties and thus its interests are not now represented. ChargePoint’s participation will not unduly delay this proceeding or prejudice any existing party. By granting ChargePoint’s motion to intervene, the Commission will permit ChargePoint to contribute to the just and expeditious resolution of the issues and concerns set forth in this proceeding.

Respectfully submitted on behalf of
CHARGEPOINT, INC.



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MEMORANDUM IN SUPPORT

ChargePoint is a corporation organized under the laws of the State of Delaware, with a principal office at 254 East Hacienda Avenue, Campbell, California 95008. ChargePoint is the world's leading open electric vehicle ("EV") charging network, with over 60,000 independently-owned and operated Level 2 and DC fast charging ports. Nationwide, ChargePoint has thousands of customers, including major employers, municipalities, universities, real estate developers, energy companies, and parking garage facility owners and operators providing EV charging and related services to EV drivers. ChargePoint actively participates in regulatory policy engagements in jurisdictions across the country.

On January 22, 2019, Dayton Power and Light Company ("DP&L") filed an application for authority to extend its Distribution Modernization Rider ("DMR-E") for two years and to set the rider at \$199 million, which could ultimately affect ChargePoint. Specifically, the DMR-E is directly related to DP&L's ability to implement its Distribution Modernization Plan ("DMP"). As the DMR-E application states, "[t]he DMR-E will allow DP&L to implement the Company's DMP set forth in Case No. 18-1875-EL-GRD and all of the associated customer benefits. . . ." DMR-E Application at p. 6. ChargePoint has requested intervention in the DMP case, which includes

electric vehicle charging station proposals. Due to the relationship between the DMR-E and DMP, ChargePoint now requests intervention in this proceeding.

Under OAC Rule 4901-1-11 intervention may be permitted in a proceeding if that party has a real and substantial interest in the proceeding, and the person is so situated that the disposition of the proceeding may, as a practical matter, impair or impede his or her ability to protect that interest, unless the person's interest is adequately represented by existing parties. Further, in deciding whether to permit intervention under paragraph (A)(2) of this rule, the Commission, the legal director, the deputy legal director, or an attorney examiner shall 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.
- (4) Whether the prospective intervenor will significantly contribute to full development and equitable resolution of the factual issues.
- (5) The extent to which the person's interest is represented by existing parties.

ChargePoint meets these criteria for intervention. First, ChargePoint has a significant interest in DP&L's pending application. ChargePoint and its customers represent a significant portion of the established and growing electric vehicle infrastructure sector in Ohio.

ChargePoint's position and market presence relates directly to the details of the Plan. ChargePoint has a substantial and specific economic interest in the sustainable and scalable growth of the EV charging infrastructure in Ohio. ChargePoint's business engagements in the state are directly affected by the discussion and resolution of the topics covered in this proceeding. As discussed above, the DMR-E has direct impacts to DP&L's proposed DMP. Consistent with the requirements of R.C. 4903.221 and O.A.C. Rule 4901-1-11, the interests of ChargePoint in this proceeding cannot be adequately represented or protected by any other party.

ChargePoint's intervention will not unduly prolong or delay the proceedings. ChargePoint has filed for intervention in advance of a procedural schedule set forth by the Commission and fully intends to contribute to all forthcoming procedural activities as a responsible party.

Finally, ChargePoint's intervention will significantly contribute to the full development of the record and its resolution. ChargePoint has deployed charging infrastructure throughout the United States, bringing to bear significant experience in developing scalable and sustainable EV charging markets. ChargePoint's intervention provides a unique, practical perspective on how DP&L's DMP, and relatedly, DMR-E, may positively or adversely affect EV drivers, EV charging station site hosts, Ohio ratepayers, and the overall potential for growth in Ohio's EV market.

For these reasons, the ChargePoint respectfully requests that its Motion to Intervene be granted.

Respectfully submitted on behalf of
CHARGEPOINT, INC.



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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Motion to Intervene was served upon the parties of record listed below this 29th day of April 2019 *via* electronic mail.



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Summary: Motion to Intervene of ChargePoint, Inc. electronically filed by Teresa Orahod on behalf of Dylan F. Borchers