

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

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

---

**MOTION TO INTERVENE  
OF UNIVERSITY OF DAYTON**

---

Pursuant to Ohio Revised Code § 4903.221 and Ohio Admin. Code § 4901-1-11, University of Dayton (“UD”) hereby moves to intervene in the above-captioned proceeding. UD has real and substantial interests in this proceeding, and those interests are not be adequately represented by existing parties. Absent UD’s direct involvement, UD faces the risk that its interests may be prejudiced by the results of this proceeding. Accordingly, as set forth more fully in the attached memorandum in support, UD respectfully requests that the Public Utilities Commission of Ohio (“Commission”) grant this timely motion to intervene.

Respectfully submitted,

/s/ Stephanie M. Chmiel

Stephanie M. Chmiel (0087555)

Kevin D. Oles (0086990)

THOMPSON HINE LLP

41 South High Street, Suite 1700

Columbus, Ohio 43215

Phone: (614) 469-3247

Stephanie.Chmiel@ThompsonHine.com

Kevin.Oles@ThompsonHine.com

*Attorneys for University of Dayton*

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

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

---

**MEMORANDUM IN SUPPORT OF THE MOTION TO INTERVENE  
OF UNIVERSITY OF DAYTON**

---

The Dayton Power and Light Company (“DP&L”) began the instant proceeding with its application filed on December 21, 2018, seeking approval for its Distribution Modernization Plan (“DMP”), which DP&L states will provide significant benefits to its customers. The costs associated with implementing the DMP will result in rate increases for DP&L customers.

Ohio Revised Code § 4903.221(B) requires the Commission to consider four factors when ruling on a motion to intervene, the first of which is the nature and extent of the proposed intervenor’s interest. Located just south of downtown Dayton, Ohio, UD is a private university with a footprint of nearly 400 acres. DP&L supplies power to seven large UD commercial accounts that serve educational, administrative and research facilities, as well as UD Arena. DP&L also provides service to over 500

individual student residential accounts for UD's student housing. UD's total annual energy usage exceeds 88 million kWh. Given the sheer size of its accounts and energy use, UD has an interest in the proceeding.

Further, grid modernization is of particular interest to UD in that researchers at the University of Dayton Research Institute ("UDRI") conduct millions of dollars in sponsored research annually in virtually all areas of energy (e.g., wind, fuel cells and batteries, algae, coal-to-liquid fuels and other clean, alternative energy research). UD researchers may be able to provide invaluable input to DP&L's grid modernization efforts. UD also expects that its Hanley Sustainability Institute (dedicated, as its name implies, to sustainability education and extending UD's sustainability efforts into the community) as well as students will have an interest in the development of the DMP. Finally, UD has an interest in collaborating with DP&L and other parties in the proceeding regarding DP&L's projects solar, battery and microgrid projects. No other party shares these unique interests of UD.

The second factor the Commission considers in ruling upon a motion to intervene is the legal position advanced by the prospective intervenor and its probable relation to the merits of the case. O.R.C. § 4903.221(B)(2). UD wishes to participate in the proceeding to help ensure that DP&L's DMP comports with fairness and applicable legal principles, which go to the heart of whether the proposed DMP should be approved. As for the third factor – whether the intervention by the prospective intervenor will unduly prolong or delay the proceedings – since the Commission has not yet established a deadline for interventions, UD's motion is timely. Finally, with regard to the fourth factor, O.R.C. § 4903.221(B)(4), UD's unique interest in energy issues (as described

above) means that UD can significantly contribute to full development and equitable resolution of factual issues in the proceeding.

For all of these reasons, UD respectfully requests that the Commission grant its motion to intervene and allow UD to be made a party of record in this proceeding.

Respectfully submitted,

/s/ Stephanie M. Chmiel

Stephanie M. Chmiel (0087555)

Kevin D. Oles (0086990)

THOMPSON HINE LLP

41 South High Street, Suite 1700

Columbus, Ohio 43215

Phone: (614) 469-3247

Stephanie.Chmiel@ThompsonHine.com

Kevin.Oles@ThompsonHine.com

*Attorneys for University of Dayton*

## **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing Motion to Intervene and Memorandum in Support were served upon the parties of record listed below this 10th day of July 2019 via electronic mail. Further, because the foregoing was filed electronically through the Docketing Information System of the Public Utilities Commission of Ohio, the Commissions' e-filing system will electronically serve notice of the filing on this document on counsel for all parties.

[Michael.schuler@aes.com](mailto:Michael.schuler@aes.com)  
[jsharkey@ficlaw.com](mailto:jsharkey@ficlaw.com)  
[djireland@ficlaw.com](mailto:djireland@ficlaw.com)  
[chollon@ficlaw.com](mailto:chollon@ficlaw.com)  
[fdarr@mwncmh.com](mailto:fdarr@mwncmh.com)  
[mpritchard@mwncmh.com](mailto:mpritchard@mwncmh.com)  
[mkurtz@bkllawfirm.com](mailto:mkurtz@bkllawfirm.com)  
[kboehm@bkllawfirm.com](mailto:kboehm@bkllawfirm.com)  
[jkylercohn@bkllawfirm.com](mailto:jkylercohn@bkllawfirm.com)  
[mfleisher@elpc.org](mailto:mfleisher@elpc.org)  
[Bojko@carpenterlipps.com](mailto:Bojko@carpenterlipps.com)  
[Dressel@carpenterlipps.com](mailto:Dressel@carpenterlipps.com)  
[Paul@cparenterlipps.com](mailto:Paul@cparenterlipps.com)  
[Dutton@carpenterlipps.com](mailto:Dutton@carpenterlipps.com)  
[slesser@calfee.com](mailto:slesser@calfee.com)  
[talexander@calfee.com](mailto:talexander@calfee.com)  
[mkeaney@calfee.com](mailto:mkeaney@calfee.com)  
[terry.etter@occ.ohio.gov](mailto:terry.etter@occ.ohio.gov)  
[angela.obrien@occ.ohio.gov](mailto:angela.obrien@occ.ohio.gov)  
[Bethany.allen@igs.com](mailto:Bethany.allen@igs.com)  
[Joe.oliker@igs.com](mailto:Joe.oliker@igs.com)  
[Michael.nugent@igs.com](mailto:Michael.nugent@igs.com)  
[BarthRoyer@aol.com](mailto:BarthRoyer@aol.com)  
[Steven.beeler@ohioattorneygeneral.gov](mailto:Steven.beeler@ohioattorneygeneral.gov)  
[Robert.eubanks@ohioattorneygeneral.gov](mailto:Robert.eubanks@ohioattorneygeneral.gov)  
[rsahli@columbus.rr.com](mailto:rsahli@columbus.rr.com)  
[mleppla@theOEC.org](mailto:mleppla@theOEC.org)  
[tdougherty@theOEC.org](mailto:tdougherty@theOEC.org)  
[dparram@bricker.com](mailto:dparram@bricker.com)

/s/Stephanie M. Chmiel  
Stephanie M. Chmiel (0087555)

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

**Commission of Ohio Docketing Information System on**

**7/10/2019 4:38:17 PM**

**in**

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

Summary: Motion To Intervene electronically filed by Ms. Stephanie M Chmiel on behalf of University of Dayton