

**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	)	
Dayton Power and Light Company for	)	Case No. 18-1877-EL-AAM
Approval of Certain Accounting Methods	)	

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**MOTION TO INTERVENE BY MISSION:DATA**

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Pursuant to Ohio Revised Code 4903.221 and Ohio Administrative Code 4901-1-11, Mission:data Coalition (“Mission:data”) respectfully moves to intervene in the above-captioned proceedings. As explained more thoroughly in the attached Memorandum in Support, Mission:data has a real and substantial interest in this case, in which the Dayton Power & Light Company has filed a “Distribution Modernization Plan,” addressing deployment of Advanced Metering Infrastructure (“AMI”) and access to customer energy usage data from AMI meters. As a non-profit coalition advocating for the adoption of customer-friendly energy data access policies throughout the country in order to promote energy savings benefits to consumers and stimulate an innovative, vibrant market for energy management services, Mission:data will be impacted by the outcome of these proceedings. Additionally, the interests of Mission:data 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, Mission:data's participation will not unduly delay the proceedings or prejudice any other party.

Mission:data 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.

August 27, 2019

Respectfully submitted,

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**MEMORANDUM IN SUPPORT OF THE MOTION TO INTERVENE BY  
MISSION:DATA**

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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.

Mission:data Coalition (“Mission:data”) is a not-for-profit organization that seeks to advance the adoption of customer-friendly energy data access policies throughout the country in order to promote energy savings benefits to consumers who are empowered with standardized, electronic access to their energy usage information.. Mission:data advocates on behalf of more than 35 technology companies delivering consumer-focused energy services in states including Ohio. These firms include smart thermostat makers, home security and automation firms, commercial and industrial energy management and demand response companies, and many others.

The application filed by Dayton Power & Light Company (“DP&L”) in these proceedings for approval of a “Distribution Modernization Plan,” including deployment of Advanced Metering Infrastructure (“AMI”) and access to customer energy usage data from AMI meters, will affect what tools for customer data access are available in DP&L territory and potentially across the State of Ohio. Accordingly, Mission:data’s interests may be adversely affected by the outcome of this proceeding, and 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. Mission:data’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, Mission:data has a substantial interest in the consideration and potential implementation of the Distribution Modernization Plan proposed by DP&L.

Mission:data advocates across the country for data access policies based on widely-adopted national standards and best practices. Such rules are important in enabling innovation in and the rapid scaling of energy management technologies, as well as the timely realization of consumer

energy savings benefits made possible by advanced metering. DP&L's filing affects Mission:data's interests because the outcome of these proceedings will help to determine whether DP&L provides data access consistent with these national standards and best practices, as well as the Commission's directive in its PowerForward Roadmap that there should be a "uniform methodology across the EDUs for third parties to obtain CEUD [customer energy usage data]." <sup>1</sup>

As to the second factor, because of the potential impacts on Mission:data and its members' activities in Ohio, Mission:data seeks to ensure DP&L's application complies with applicable law and state policy, and if not, recommend appropriate solutions.

Under the third factor, Mission:data's inclusion will not unduly delay or prolong the proceeding. The Commission has not yet set a procedural schedule for the case, and Mission:data 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, Mission:data will significantly contribute to the full development and resolution of the proceeding by bringing its unique perspective to bear. Mission:data has expertise and experience across the country regarding customer energy data access that will contribute to resolving the pending issues. Mission:data has participated in multiple proceedings in other states regarding data access, and has also actively engaged in the Commission's consideration of data access issues to date through PowerForward Phase 1 and the Data and Modern Grid Workgroup.

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<sup>1</sup> PUCO, PowerForward: A Roadmap to Ohio's Electricity Future at 32 (Aug. 2018), *available at* <https://www.puco.ohio.gov/industry-information/industry-topics/powerforward>.

Similarly, Mission:data 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, Mission:data meets those factors. As to the fifth, Mission:data maintains that no other party can adequately represent its interests as a national non-profit focused on sensible energy data access policy that promotes customer benefits and market innovation.

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). Mission:data's inclusion in this proceeding will contribute to this goal of broad participation in PUCO proceedings.

Because Mission:data 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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## CERTIFICATE OF SERVICE

The e-filing system of the Public Utilities Commission of Ohio will electronically serve notice of the filing of this document on the parties referenced in the service list of the docket card who have electronically subscribed to this case. In addition, the undersigned certifies that a copy of the foregoing document is also being served upon the persons listed below via electronic mail on August 27, 2019.

/s/ Madeline Fleisher  
Madeline Fleisher

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Summary: Motion to Intervene by Mission:Data electronically filed by Ms. Madeline Fleisher on behalf of Mission:data Coalition