

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of The	)	
Dayton Power and Light Company for	)	Case No. 20-0680-EL-UNC
A Finding that Its Current Electric	)	
Security Plan Passes the Significantly	)	
Excessive Earnings Test and More	)	
Favorable in the Aggregate Test in	)	
R.C. 4928.143(E)	)	

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**MOTION OF INDUSTRIAL ENERGY USERS-OHIO  
FOR LEAVE TO INTERVENE AND MEMORANDUM IN SUPPORT**

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**APRIL 2, 2020**

**COUNSEL FOR INDUSTRIAL ENERGY USERS-OHIO**

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Industrial Energy Users-Ohio ("IEU-Ohio") hereby respectfully moves the Public Utilities Commission of Ohio ("Commission"), pursuant to R.C. 4903.221, and Rule 4901-1-11, Ohio Administrative Code ("O.A.C."), for leave to intervene in the above-captioned matters with the full powers and rights granted by the Commission, specifically by statute or by the provisions of the O.A.C., to intervening parties.

On April 1, 2020, The Dayton Power and Light Company ("DP&L") filed an Application to initiate a review of its current electric security plan relative to the Significantly Excessive Earnings Test ("SEET") and consideration of whether the ESP is more favorable in the aggregate than a market rate offer ("MRO"). IEU-Ohio's members include customers of DP&L and the resolution of the matter may directly affect rates paid by IEU-Ohio members.

As demonstrated further in the Memorandum in Support, IEU-Ohio has a direct, real, and substantial interest in the issues and matters involved in the above-captioned proceeding and is so situated that the disposition of this proceeding may, as a practical

matter, impair or impede its ability to protect that interest. IEU-Ohio believes that its participation will not unduly prolong or delay this proceeding and that it will significantly contribute to the full development and equitable resolution of the factual and other issues in this proceeding. The interests of IEU-Ohio will not be adequately represented by other parties to the proceeding and, as such, IEU-Ohio is entitled to intervene with the full powers and rights granted by the Commission, specifically by statute and by the provisions of Commission rules to intervening parties.

Respectfully submitted,

/s/Matthew R. Pritchard

Matthew R. Pritchard (Reg. No. 0088070)

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**MEMORANDUM IN SUPPORT**

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In support of this Motion to Intervene, IEU-Ohio states that it is an association of ultimate customers. A current listing of IEU-Ohio member companies is available on IEU-Ohio's website at [http://www.ieu-ohio.org/member\\_list](http://www.ieu-ohio.org/member_list). IEU-Ohio's members purchase substantial amounts of electric and related services from Ohio's electric distribution utilities ("EDU").

IEU-Ohio's members work together to address matters that affect the availability and price of utility services. Additionally, IEU-Ohio seeks to promote customer-driven policies that will assure an adequate, reliable, and efficient supply of energy for all consumers at competitive prices. To this end, IEU-Ohio has worked and will continue to work to produce legislative, regulatory, and market outcomes that are consistent with the State policy contained in R.C. 4928.02.

IEU-Ohio has a real and substantial interest inasmuch as this proceeding may directly or indirectly impact the provision of electric service to IEU-Ohio members' manufacturing facilities. Specifically, IEU-Ohio's direct interest in this proceeding is the

result of the effect that this proceeding shall have upon the price, adequacy, and reliability of the electric supply and related services within Ohio.

Respectfully submitted,

/s/ Matthew R. Pritchard

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## **CERTIFICATE OF SERVICE**

In accordance with Rule 4901-1-05, Ohio Administrative Code, the PUCO's e-filing system will electronically serve notice of the filing of this document upon the following parties. In addition, I hereby certify that a service copy of the foregoing *Motion to Intervene and Memorandum in Support of Industrial Energy Users-Ohio* was sent by, or on behalf of, the undersigned counsel for IEU-Ohio to the following parties of record this 2<sup>nd</sup> day of April, 2020, via electronic transmission.

/s/ Matthew R. Pritchard

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

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Summary: Motion to Intervene and Memorandum in Support electronically filed by Mr. Matthew R. Pritchard on behalf of Industrial Energy Users-Ohio