

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of The)
Dayton Power and Light Company for 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))

Case No. 20-0680-EL-UNC

**MOTION TO INTERVENE
OF UNIVERSITY OF DAYTON**

Pursuant to R.C. 4903.221 and Ohio Adm. Code 4901-1-11, University of Dayton (“UD”) respectfully moves the Public Utilities Commission of Ohio (“Commission”) to intervene in the above-captioned proceeding. UD has real and substantial interests in this proceeding, and those interests are not 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 Commission grant this timely motion to intervene.

Respectfully submitted,

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**MEMORANDUM IN SUPPORT OF UNIVERSITY OF DAYTON'S
MOTION TO INTERVENE**

The Dayton Power and Light Company (“DP&L”) began the instant proceeding with its Application filed on April 1, 2020, seeking a determination from the Commission that DP&L’s current Electric Security Plan (“ESP”) meets the significantly excessive earnings test (“SEET”) and continues to meet the standard of being more favorable in the aggregate as compared to the expected results that would apply under a market rate offer (“MRO”). Given the potential impact that the Commission’s decision will have on rates paid by residential and commercial consumers, the University of Dayton (“UD”) has a real and substantial interest in these proceedings that cannot adequately be represented by other parties.

Pursuant to RC 4903.221, any person who may be adversely affected by a Commission proceeding may intervene in such proceeding. In deciding whether to permit intervention, the Commission shall consider: the nature and extent of the prospective intervenor’s interest; the legal position advanced by the prospective intervenor and its probable relation to the merits of the case; whether the intervention by the prospective intervenor will unduly prolong or delay the proceedings; whether the prospective intervenor will significantly contribute to full development and equitable resolution of the factual issues; and the extent to which the person’s interest is

represented by existing parties. Ohio Adm. Code 4901-1-11. UD meets this standard.

UD has a real and substantial interest in this proceeding. 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 and the result of this proceeding may impair or impede UD's ability to protect its interest.

UD seeks to participate in the proceeding to ensure that DP&L's earnings are not significantly excessive and that DP&L's ESP remains more favorable in the aggregate than an MRO. UD anticipates that it will address these issues as a participant in the proceedings as they are certain to have a significant impact on DP&L's customers, including UD and its neighbors.

UD's unique interest in energy issues and its position as a large commercial and residential consumer of electricity from DP&L means that UD can significantly contribute to full development and equitable resolution of factual issues in the proceeding. Given its size and combination of residential and commercial accounts, no other party currently does or can adequately represent UD's interests in the outcome of this proceeding.

Finally, UD's intervention is timely¹ and, thus, will not unduly prolong or delay the proceedings.

¹ The Commission set an intervention deadline of June 15, 2020.

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 with the full powers and rights granted by the Commission to intervening parties.

Respectfully submitted,

/s/ Stephanie M. Chmiel

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Motion to Intervene and Memorandum in Support were filed electronically through the Docketing Information System of the Public Utilities Commission of Ohio, which will electronically serve notice of the filing on counsel for all parties.

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

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