

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of the Dayton )  
Power and Light Company for an Increase in ) Case No. 20-1651-EL-AIR  
its Electric Distribution Rates. )

In the Matter of the Application of The )  
Dayton Power and Light Company for ) Case No. 20-1652-EL-AAM  
Accounting Authority. )

In the Matter of the Application of Dayton )  
Power and Light Company for Approval of ) Case No. 20-1653-EL-ATA  
Revised Tariffs. )

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**MOTION TO INTERVENE OF  
THE OHIO MANUFACTURERS' ASSOCIATION ENERGY GROUP**

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Pursuant to R.C. 4903.221 and Ohio Adm. Code 4901-1-11, the Ohio Manufacturers' Association Energy Group (OMAEG) respectfully moves the Public Utilities Commission of Ohio (Commission) to intervene in this matter with the full powers and rights granted to intervening parties. As detailed in the attached Memorandum in Support, OMAEG has a real and substantial interest in this proceeding that may be adversely affected by the outcome herein, and which cannot be adequately represented by any other party. Accordingly, OMAEG satisfies the standard for intervention set forth in Ohio statutes and regulations.

Therefore, OMAEG respectfully requests that the Commission grant this motion to intervene and make OMAEG a full party of record in these proceedings.

Respectfully submitted,

/s/ Kimberly W. Bojko

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**MEMORANDUM IN SUPPORT**

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On October 30, 2020, Dayton Power & Light Company (DP&L) filed a notice of its intent to file an application for an increase in its rates for electric distribution service (Notice of Intent).<sup>1</sup> DP&L intends to file its application by November 30, 2020.<sup>2</sup> In addition, DP&L proposed a date certain of June 30, 2020, and a test period of the twelve-month period beginning June 1, 2020 and ending May 31, 2021,<sup>3</sup> which the Commission subsequently approved.<sup>4</sup>

OMAEG has a real and substantial interest that may be adversely affected by this proceeding and that interest cannot be adequately represented by any existing parties. R.C. 4903.221 and Ohio Adm. Code 4901-1-11 establish the standard for intervention in the above-captioned proceedings. R.C. 4903.221 provides, in part, that any person “who may be adversely affected” by a Commission proceeding is entitled to seek intervention in that proceeding. R.C.

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<sup>1</sup> See Notice of Intent (Oct. 30, 2020).

<sup>2</sup> Motion to Establish a Test Period and Date Certain at 4 (Oct. 30, 2020).

<sup>3</sup> *Id.* at 1.

<sup>4</sup> Entry at ¶ 1 (Nov. 18, 2020).

4903.221(B) further requires the Commission to 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 proceeding, and the prospective intervenor's potential contribution to a just and expeditious resolution of the issues involved.

OMAEG is a non-profit entity that strives to improve business conditions in Ohio and drive down the cost of doing business for Ohio manufacturers. OMAEG members and their representatives work directly with elected officials, regulatory agencies, the judiciary, and others to provide education and information to energy consumers, regulatory boards and suppliers of energy; advance energy policies to promote an adequate, reliable, and efficient supply of energy at reasonable prices; and advocate in critical cases before the Commission. Here, OMAEG has a substantial interest in ensuring that DP&L charges just and reasonable rates for electric distribution service to its customers. As consumers of significant amounts of energy in DP&L's service territory, OMAEG has been involved in numerous prior proceedings before the Commission involving DP&L.<sup>5</sup> Moreover, OMAEG has also participated in prior proceedings before the Commission involving DP&L's applications to increase rates.<sup>6</sup>

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<sup>5</sup> See, e.g., *In the Matter of the Application of The Dayton Power and Light Company for Extension of Distribution Modernization Rider*, Case No. 19-0162-EL-RDR; *In the Matter of the Application of The Dayton Power and Light Company for Approval of Its Electric Security Plan*, Case Nos. 16-0395-EL-SSO, et al.; *In the Matter of the Application of The Dayton Power and Light Company for an Increase in its Electric Distribution Rates*, Case Nos. 15-1830-EL-AIR, et al.; *In the Matter of the Application of The Dayton Power and Light Company for Approval of its Electric Security Plan*, Case Nos. 12-0426-EL-SSO, et al.; *In the Matter of the Application of The Dayton Power and Light Company for Extension of Distribution Modernization Rider*, Case No. 19-0162-EL-RDR; *In the Matter of the Application of The Dayton Power and Light Company for Approval of Its Electric Security Plan*, Case Nos. 08-1094-EL-SSO, et al.

<sup>6</sup> See, e.g., *In the Matter of the Application of The Dayton Power and Light Company to Increase its Rates for Electric Distribution*, Case No. 15-1830-EL-AIR, Motion to Intervene of the Ohio Manufacturers' Association Energy Group (Nov. 25, 2015).

DP&L's Notice of Intent explains that DP&L is proposing substantial increases to the customer charge and kilowatt hour charge for several classes of customers throughout its service territory.<sup>7</sup> For example, according to DP&L's analysis, customers in the primary service class will see increases as high as 13.32 percent on the typical bill.<sup>8</sup> Customers in the secondary three phase service class will see increases as high as 17.56 percent to the typical bill.<sup>9</sup> As a result, the proposed rate increase could have significant financial impacts on OMAEG members within DP&L's service area.

For these reasons, OMAEG has a direct, real, and substantial interest in the issues raised in this 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. It is regularly and actively involved in Commission proceedings and, as in previous proceedings, OMAEG's unique knowledge and perspective will contribute to the full development and equitable resolution of the factual issues in this proceeding. OMAEG's interest will not be adequately represented by other parties and its timely intervention will not unduly delay or prolong these proceedings.

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<sup>7</sup> Notice of Intent, PFN Exhibit 1 at 2 and PFN Exhibit 5 at 5 (Summary of Rates) (Oct. 30, 2020).

<sup>8</sup> Notice of Intent, PFN Exhibit 4 at 7 (Oct. 30, 2020).

<sup>9</sup> *Id.* at 6.

Because OMAEG satisfies the criteria set forth in R.C. 4903.221 and Ohio Adm. Code 4901-1-11, Ohio law authorizes OMAEG to intervene in this proceeding with the full powers and rights granted by the Commission to intervening parties. OMAEG respectfully requests that the Commission grant this motion for leave to intervene and makes OMAEG a full party of record.

Respectfully submitted,

/s/ Kimberly W. Bojko

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### **CERTIFICATE OF SERVICE**

The Public Utilities Commission of Ohio's e-filing system will electronically serve notice of the filing of this document on the parties referenced on the service list of the docket card who have electronically subscribed to the case. In addition, the undersigned hereby certifies that a copy of the foregoing document also is being served via electronic mail on November 24, 2020 upon the parties listed below.

/s/ Kimberly W. Bojko  
Kimberly W. Bojko

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Summary: Motion to Intervene of The Ohio Manufacturers' Association Energy Group  
electronically filed by Mrs. Kimberly W. Bojko on behalf of OMA Energy Group