

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Review of the)
Reconciliation Rider of The Dayton Power) Case No. 20-165-EL-RDR
and Light Company.)

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

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. OMAEG has actively participated in past cases involving the Dayton Power and Light Company (DP&L),¹ including those related to DP&L's Reconciliation Rider (RR).²

As demonstrated in the attached Memorandum in Support, OMAEG has real and substantial interests that may be adversely affected by the outcome herein, and which cannot be adequately represented by any other existing parties. Accordingly, OMAEG satisfies the standard for intervention set forth in Ohio statutes and regulations.

¹ See, e.g., *In the Matter of the Application of The Dayton Power and Light Company for Extension of Its Distribution Modernization Rider*, Case No. 19-162-EL-RDR; *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. 12-426-EL-SSO, et al.; *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..

² See, e.g., *In the Matter of the Application of The Dayton Power and Light Company for Approval of its Electric Security Plan*, Case Nos. 16-395-EL-SSO, et al. (the proceeding in which the Commission authorized DP&L to recover or credit the net proceeds of selling OVEC energy and capacity into the PJM market and OVEC costs through a reconciliation rider).

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

Respectfully submitted,

/s/ Kimberly W. Bojko

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On January 29, 2020, the Commission directed the Staff of the Commission to issue a request for proposal for audit services to assist the Commission with its prudency and performance audit of DP&L's RR for the period of November 1, 2018 through December 31, 2019.³ On October 7, 2020, the auditor submitted the audit report and thereafter the Commission directed stakeholders to file comments by January 5, 2021, and reply comments by January 20, 2021.⁴ As further explained below, OMAEG has a real and substantial interest in the outcome of these proceedings.

R.C. 4903.221 and Ohio Adm. Code 4901-1-11 establish the standards for intervention in Commission proceedings. R.C. 4903.221 provides, in pertinent part, that any person “who may be adversely affected” by a Commission proceeding is entitled to seek intervention in that proceeding. R.C. 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. Ohio Adm. Code 4901-1-11 permits intervention to a party who demonstrates a real and substantial interest in the proceeding

⁴ Entry at ¶¶ 12, 16 (November 30, 2020).

and who is so situated that the disposition of the proceeding may impair or impede its ability to protect that interest and whose interest is not adequately represented by an existing party.

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.

As consumers of significant amounts of energy in DP&L's service territory, OMAEG has been involved in numerous DP&L cases.⁵ Furthermore, OMAEG has participated in cases before the Commission involving DP&L's RR⁶ and will be affected by the Commission's determination in this audit of the RR, as OMAEG's members are subject to and pay the nonbypassable RR rates.

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 these proceedings 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

⁵ See, e.g., *In the Matter of the Application of The Dayton Power and Light Company for Extension of Its Distribution Modernization Rider*, Case No. 19-162-EL-RDR; *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. 12-426-EL-SSO, et al.; *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..

⁶ See, e.g., *In the Matter of the Application of The Dayton Power and Light Company for Approval of Its Electric Security Plan*, Case Nos. 16-395-EL-SSO, et al. (the proceeding in which the Commission authorized DP&L to recover or credit the net proceeds of selling OVEC energy and capacity into the PJM market and OVEC costs through a reconciliation rider).

this case. OMAEG's interest will not be adequately represented by other parties and its timely intervention will not unduly delay or prolong these proceedings.

As discussed above, OMAEG satisfies the criteria for intervention set out in R.C. 4903.221 and Ohio Adm. Code 4901-1-11. OMAEG, therefore, respectfully requests that the Commission grant this motion, allow OMAEG to intervene with the full powers and rights granted by the Commission to intervening parties, and make 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 January 5, 2021 upon the parties listed below.

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Summary: Motion Motion To Intervene of OMAEG electronically filed by Ms. Cheryl A Smith
on behalf of OMAEG