

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of The Dayton Power and Light Company to Increase its Rates for Electric Distribution.	)	Case No. 20-1651-EL-AIR
	)	
In the Matter of the Application of The Dayton Power and Light Company for Accounting Authority.	)	Case No. 20-1652-EL-AAM
	)	
In the Matter of the Application of The Dayton Power and Light Company for Approval of Revised Tariffs.	)	Case No. 20-1653-EL-ATA
	)	

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**MOTION TO INTERVENE BY  
THE ENVIRONMENTAL LAW & POLICY CENTER**

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Pursuant to Ohio Revised Code 4903.221 and Ohio Administrative Code 4901-1-11, the Environmental Law & Policy Center (“ELPC”) respectfully moves to intervene in the above-captioned proceeding. As explained more thoroughly in the attached Memorandum in Support, ELPC has a real and substantial interest in this case, in which the Dayton Power and Light Company seeks approval from the Public Utilities Commission of Ohio for an increase in its electric distribution rates. ELPC’s interests 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, ELPC’s participation will not unduly delay the proceedings or prejudice any other party.

ELPC 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.

February 2, 2021

Respectfully submitted,

/s/ Caroline Cox  
Caroline Cox (0098175)  
Environmental Law & Policy Center

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**MEMORANDUM IN SUPPORT OF THE MOTION TO INTERVENE BY  
THE ENVIRONMENTAL LAW & POLICY CENTER**

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Ohio Revised Code 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 (“Commission”) makes certain determinations. The Environmental Law & Policy Center (“ELPC”) is a non-profit environmental advocacy organization whose mission is to improve the Midwest’s environmental quality and economic development. As a regional organization with a presence and members in Ohio, ELPC and its members may be adversely affected by the outcome of this proceeding, and its interests are not adequately represented by the other parties in the case.

R.C. 4903.221 requires the Commission to consider four factors when presented with a motion to intervene. Ohio Administrative Code 4901-11-1 similarly provides that the Commission shall consider five factors when weighing a motion to intervene. ELPC’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, ELPC has a substantial interest in the application of the Dayton Power and Light Company ("DP&L") to increase its electric distribution rates. ELPC has an interest in ensuring the protection and promotion of cost-effective clean and efficient energy in the state. Further, ELPC has members in Ohio and its work focuses on Ohio energy and environmental issues. DP&L's application affects these interests because it proposes to change DP&L's rates and to implement voluntary energy efficiency programs. These changes could alter the savings available to DP&L customers who pursue clean energy options such as energy efficiency measures or distributed generation. ELPC participated in DP&L's last rate case, No. 15-1830-EL-AIR *et al.* as well as other base rate cases including AEP Ohio, Case No. 20-585 *et al.* and Duke Energy Ohio, Case No. 17-32-EL-AIR *et al.*

As to the second factor, because of the potential impacts on ELPC and its Ohio members, ELPC seeks to ensure DP&L's application meets the pertinent legal requirements, and, if not, recommend appropriate solutions. Additionally, ELPC seeks the Commission's careful scrutiny of DP&L's proposed energy efficiency programs to ensure their effectiveness and benefits. ELPC also seeks the Commission's thorough review of the reasonableness of DP&L's

application, which implicates ELPC's interest in advocating for electric rates that are compatible with effective use of clean energy resources.

Under the third factor, ELPC's inclusion will not unduly delay or prolong the proceeding. The Commission has not yet set a procedural schedule for the case, and ELPC 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, ELPC will significantly contribute to the full development and resolution of the proceeding by bringing its unique perspective to bear. ELPC has expertise and experience throughout the Midwest regarding clean energy policy that will help develop the record and aid in resolving issues in the case. ELPC has participated in multiple proceedings in Ohio as well as other states regarding distribution rate design and efficiency.

Similarly, ELPC meets the requirements set forth in Ohio Admin. 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 reasons stated above, ELPC meets those factors. As to the fifth, ELPC maintains that no other party can adequately represent its interests as a regional environmental advocacy organization that also focuses on environmentally friendly economic development, including new manufacturing and job creation.

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). ELPC’s inclusion in this proceeding will contribute to this goal of broad participation in PUCO proceedings.

Because ELPC 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/ Caroline Cox  
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## CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing Motion to Intervene submitted on behalf of the Environmental Law & Policy Center was filed electronically through the Docketing Information System of the Public Utilities Commission of Ohio on February 2, 2021. The PUCO's e-filing system will electronically serve notice of the filing of this document on counsel for all parties.

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Summary: Motion to Intervene and Memorandum in Support electronically filed by Ms. Caroline Cox on behalf of Environmental Law and Policy Center