

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of The)	
Dayton Power and Light Company for an)	Case No. 20-1651-EL-AIR
Increase in 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 The)	
Dayton Power and Light Company for)	Case No. 20-1653-EL-ATA
Approval of Revised Tariffs.)	

**MOTION TO INTERVENE OF
NATIONWIDE ENERGY PARTNERS, LLC**

Now comes Nationwide Energy Partners, LLC (“NEP”) who, pursuant to Ohio Revised Code Section 4903.221 and Ohio Administrative Code Rule 4901-1-11, moves to intervene in the above-styled proceedings as a full party of record. The reasons supporting the intervention are contained in the accompanying Memorandum in Support. NEP respectfully requests that the Commission grant this motion to intervene and that NEP be made a full party of record.

Respectfully Submitted,

/s/ Gretchen L. Petrucci
Michael J. Settineri (0073369), Counsel of Record
Gretchen L. Petrucci (0046608)
Vorys, Sater, Seymour and Pease LLP
52 East Gay Street
Columbus, OH 43215
Telephone 614-464-5462
mjsettineri@vorys.com
glpetrucci@vorys.com
(Both are willing to accept service via e-mail)

Counsel for Nationwide Energy Partners, LLC

**MEMORANDUM IN SUPPORT OF
THE MOTION TO INTERVENE**

Ohio Revised Code Section (“R.C.”) 4903.221 and Ohio Administrative Code Rule (“Rule”) 4901-1-11 establish the standard for intervention in the above-styled proceedings as a full party of record. Rule 4901-1-11 states in part:

(A) Upon timely motion, any person shall be permitted to intervene in a proceeding upon a showing that:

* * *

(2) The person has a real and substantial interest in the proceeding, and the person is so situated that the disposition of the proceeding may, as a practical matter, impair or impede his or her ability to protect that interest, unless the person’s interest is adequately represented by existing parties.

In addition to establishment of a direct interest, the factors that the Public Utilities Commission of Ohio (the “Commission”) considers in implementing the above rule are the nature of the intervenor’s interest, the extent that interest is represented by existing parties, the intervenor’s potential contribution to a just and expeditious resolution of the issues involved, and whether intervention would result in an undue delay of the proceeding. *See also* R.C. 4903.221(B) upon which the above rule is authorized. A review of these factors in light of the following facts supports granting intervention to Nationwide Energy Partners, LLC (“NEP”).

In this proceeding, The Dayton Power and Light Company (“AES Ohio”)¹ seeks approval to increase its electric distribution rates. AES Ohio also proposes to change some terms and conditions in its tariffs and retain others. NEP has a direct interest in participating in these proceedings to ensure that AES Ohio’s rates and tariffs are just and reasonable. NEP provides services, including payment of all utility costs and data analytic services, related to utility service

¹ Since filing the application in these proceedings, The Dayton Power and Light Company has adopted a fictitious name of “AES Ohio.” *In the Matter of the Application of The Dayton Power and Light Company for Approval of a Revised Bill Format for Electric Service*, Case No. 21-146-EL-UNC.

to property owners, managers and developers of apartment complexes and condominium buildings that are in the AES Ohio service territory. NEP is knowledgeable and experienced in the energy industry. It has participated and contributed its voice in numerous Commission proceedings including the *Commission-Ordered Investigation of Submetering in the State of Ohio*, Case 15-1594-AU-COI.

The tariffs proposed in these proceedings seek to include language that is not only harmful to AES Ohio's customers for whom NEP provides services, in one instance it is not consistent with Ohio law. For example, AES Ohio seeks to revise the Meter Reading terms and conditions (Paragraph B.1 on Sheet D5 of Schedule E-2.1) to allow it to only make an effort to obtain actual readings of customer meters at least once per year. Ohio law requires each electric utility to obtain actual readings of all in-service customer meters at least once per year. *See* Rule 4901:1-10-05(I). As proposed, Paragraph B.1 of Sheet D5 should be rejected.

A second example is the language proposed for the meters and metering equipment in Paragraph B.1 on Sheet D7 of Schedule E-2.1. AES Ohio proposes that it will solely determine the number of meters, delivery points and metering equipment required without allowing for any customer input, customer needs, or any standard of reasonableness. The language also appears inconsistent with Paragraphs A.2 and A.3 on that same sheet. The proposed language in Paragraph B.1 should not be accepted.

A third example is AES Ohio's low-load-factor proposals for nonresidential, Secondary Service and Primary Service customers (Sheet D19 page 2 of 5 and Sheet D20 page 2 of 3 of Schedule E-2.1). AES Ohio proposes sizeable increases in the maximum charge for demand and energy and also proposes to roll into these rates the Rate Stabilization Charge. As proposed, these changes will have a negative financial impact on customers who have little ability to control the

cost of electricity because they are low-load-factor customers. This tariff language unfairly harms that subset of commercial customers, which includes customers for whom NEP provides services.

NEP's interests in these proceedings are to ensure that AES Ohio's rates and tariffs are just and reasonable in all customer scenarios. NEP's interests are not represented by AES Ohio and Staff. Additionally, no entity with a pending motion to intervene represents NEP's interests. Importantly, NEP intends to protect its interests in these proceedings as well as in any settlement negotiations that occur between AES Ohio, Staff and other parties in the proceedings. NEP's motion is timely filed and thus, NEP's participation will not unduly prolong or delay the proceedings. Additionally, NEP is knowledgeable of AES Ohio's market and the issues involved with rate setting and tariffs. NEP will contribute significantly to the full development and equitable resolution of the factual and legal issues.

For all of these reasons, NEP satisfies the requirements for intervention in these Commission proceedings. NEP respectfully requests that the Commission grant this motion to intervene and that NEP be made a full party of record.

Respectfully Submitted,

/s/ Gretchen L. Petrucci

Michael J. Settineri (0073369), Counsel of Record

Gretchen L. Petrucci (0046608)

Vorys, Sater, Seymour and Pease LLP

52 E. Gay Street

Columbus, OH 43215

Telephone 614-464-5462

Facsimile 614-719-5146

msettineri@vorys.com

glpetrucci@vorys.com

(Both are willing to accept service via e-mail)

Counsel for Nationwide Energy Partners, LLC

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 certifies that a courtesy copy of the foregoing document is also being served (via electronic mail) on the 31st day of March 2021 upon all persons/entities listed below:

AES Ohio	Michael J. Schuler Dayton Power and Light Company michael.schuler@aes.com Jeffrey D. Ireland Jeffrey S. Sharkey Christopher C. Hollon Faruki Ireland Cox Rhinehat & Dusing PPL jsharkey@ficlaw.com djireland@ficlaw.com chollon@ficlaw.com
Armada Power, LLC	Michael J. Settineri Gretchen L. Petrucci Vorys, Sater, Seymour and Pease LLP msettineri@vorys.com glpetrucci@vorys.com
Environmental Law & Policy Center	Caroline Cox Environmental Law & Policy Center ccox@elpc.org
Industrial Energy Users-Ohio	Matthew R. Pritchard Rebekah J. Glover Bryce A. McKenney McNees Wallace & Nurick LLC mpritchard@mcneeslaw.com rglover@mcneeslaw.com bmckenney@mcneeslaw.com
Interstate Gas Supply, Inc.	Bethany Allen Joseph Olikier Michael Nugent Evan Betterton IGS Energy bethany.allen@igs.com joe.oliker@igs.com michael.nugent@igs.com evan.betterton@igs.com

Ohio Consumers' Counsel	Christopher Healey Ambrosia E. Wilson John Finnigan Assistant Consumers' Counsel christopher.healey@occ.ohio.gov ambrosia.wilson@occ.ohio.gov john.finnigan@occ.ohio.gov
Ohio Energy Group	Michael L. Kurtz Kurt J. Boehm Jody Kyler Cohn Boehm, Kurtz & Lowry mkurtz@BKLawfirm.com kboehm@BKLawfirm.com jkylercohn@BKLawfirm.com
Ohio Manufacturers' Association Energy Group	Kimberly W. Bojko Carpenter Lipps & Leland LLP bojko@carpenterlipps.com
Ohio Partners for Affordable Energy	Robert Dove Kegler Brown Hill + Ritter Co., L.P.A. rdove@keglerbrown.com
Retail Energy Supply Association	Frank Darr 6800 Linbrook Blvd. Columbus, Ohio 43235 fdarr2019@gmail.com
Staff of the Public Utilities Commission of Ohio	Jodi Bair Chelsea Fletcher Kyle Kern Assistant Attorneys General jodi.bair@ohioattorneygeneral.gov chelsea.fletcher@ohioattorneygeneral.gov kyle.kern@ohioattorneygeneral.gov
The Kroger Company	Angela Paul Whitfield Carpenter Lipps & Leland LLP paul@carpenterlipps.com
The Ohio Hospital Association	Devin D. Parram Rachael N. Mains Bricker & Eckler LLP dparram@bricker.com rmains@bricker.com
University of Dayton	Stephanie M. Chmiel Kevin D. Oles Thompson Hine LLP stephanie.chmiel@thompsonhine.com kevin.oles@thompsonhine.com

Walmart, Inc.	Carrie H. Grundmann Derrick Price Williamson Spilman Thomas & Battle, PLLC cgrundmann@spilmanlaw.com dwilliamson@spilmanlaw.com
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/s/ Gretchen L. Petrucci

Gretchen L. Petrucci

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Case No(s). 20-1651-EL-AIR, 20-1652-EL-AAM, 20-1653-EL-ATA

Summary: Motion to Intervene and Memorandum in Support electronically filed by Mrs. Gretchen L. Petrucci on behalf of Nationwide Energy Partners, LLC