

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

|  |                        |
|--|------------------------|
| In the Matter of the Application of The )    |                        |
| Dayton Power and Light Company d/b/a AES )   | Case No. 22-900-EL-SSO |
| Ohio for Approval of Its Electric Security ) |                        |
| Plan. )                                      |                        |
| )  |                        |
| In the Matter of the Application of The )    |                        |
| Dayton Power and Light Company d/b/a AES )   | Case No. 22-901-EL-ATA |
| Ohio for Approval of Revised Tariffs. )      |                        |
| )  |                        |
| In the Matter of the Application of Dayton ) |                        |
| Power and Light Company d/b/a AES Ohio )     | Case No. 22-902-EL-AAM |
| for Approval of Accounting Authority )       |                        |
| Pursuant to Ohio Rev. Code § 4905.13. )      |                        |

---

**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. As demonstrated in the attached Memorandum in Support, OMAEG has a real and substantial interest in these proceedings 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 for the reasons stated herein and as more fully set forth in the attached Memorandum in Support. OMAEG also requests that it be made a full party of record in these proceedings.

Respectfully submitted,

/s/ Kimberly W. Bojko

Kimberly W. Bojko (0069402) (Counsel of Record)

Carpenter Lipps & Leland LLP

280 North High Street, Suite 1300

Columbus, Ohio 43215

Telephone: (614) 365-4100

[bojko@carpenterlipps.com](mailto:bojko@carpenterlipps.com)

(willing to accept service by e-mail)

*Counsel for the Ohio Manufacturers' Association  
Energy Group*

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

|  |                        |
|--|------------------------|
| In the Matter of the Application of The )    |                        |
| Dayton Power and Light Company d/b/a AES )   | Case No. 22-900-EL-SSO |
| Ohio for Approval of Its Electric Security ) |                        |
| Plan. )                                      |                        |
| )  |                        |
| In the Matter of the Application of The )    |                        |
| Dayton Power and Light Company d/b/a AES )   | Case No. 22-901-EL-ATA |
| Ohio for Approval of Revised Tariffs. )      |                        |
| )  |                        |
| In the Matter of the Application of Dayton ) |                        |
| Power and Light Company d/b/a AES Ohio )     | Case No. 22-902-EL-AAM |
| for Approval of Accounting Authority )       |                        |
| Pursuant to Ohio Rev. Code § 4905.13. )      |                        |

---

**MEMORANDUM IN SUPPORT**

---

On September 26, 2022, the Dayton Power and Light Company d/b/a AES Ohio (AES) filed an application for approval of its fourth electric security plan (ESP IV).<sup>1</sup> AES is requesting a proposed term for its ESP IV of three years,<sup>2</sup> and is seeking an accelerated review and approval of its application. Among its many features, ESP IV seeks to recover through numerous riders costs purported to be associated with investments into AES' distribution system, smart grid, and transmission system.<sup>3</sup> These riders include, but are not limited to, a Distribution Investment Rider to recover costs associated with its distribution investments, an Infrastructure Investment Rider to recover costs associated with its Smart Grid Plan, a Proactive Reliability Optimization Rider to recover increased spending on vegetation management, an Economic Development Incentive

---

<sup>1</sup> See *In the Matter of the Application of The Dayton Power and Light Company d/b/a AES Ohio for Approval of Its Electric Security Plan*, Application at 1 (September 26, 2022).

<sup>2</sup> *Id.*

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

Tariff to recover costs for various economic development programs, a Regulatory Compliance Rider to recover regulatory assets, a Consumer Programs Rider to recover costs associated with the implementation of electric vehicle and demand side management programs, a Green Energy Alternative Tariff to recover costs associated with a program to install renewable energy resources, and a Distribution Decoupling Rider to implement a decoupling mechanism.<sup>4</sup>

As explained in more detail below, given the multitude of new and existing riders that AES seeks to pile on customer's distribution rates and the associated impact of those above-market charges on customers, including manufacturers, 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 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. 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 the media 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

---

<sup>4</sup> *Id.* at 17.

at reasonable prices; and advocate in critical cases before the Commission. As consumers and purchasers of energy and electric distribution and related services from AES, OMAEG has been involved in numerous cases before the Commission involving AES, including prior ESP cases.<sup>5</sup> Here, OMAEG has a substantial interest in the above-captioned proceedings to ensure that AES continues to provide reliable service to its customers at just and reasonable rates.

For these reasons, OMAEG has a direct, real, and substantial interest in the issues raised in these proceedings 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 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.

Because OMAEG satisfies the criteria set forth in R.C. 4903.221 and Ohio Adm.Code 4901-1-11, it is authorized to intervene in these proceedings with the full powers and rights granted by the Commission to intervening parties. Accordingly, OMAEG respectfully requests that the Commission grant this motion to intervene and that OMAEG be made a full party of record.

Respectfully submitted,

/s/ Kimberly W. Bojko

Kimberly W. Bojko (0069402) (Counsel of Record)  
Carpenter Lipps & Leland LLP  
280 North High Street, Suite 1300

---

<sup>5</sup> See, e.g., *In the Matter of the Application of The Dayton Power and Light Company for Approval of Its Electric Security Plan, et al.*, Case Nos. 08-1094-EL-SSO, et al., Application (October 10, 2008); *In the Matter of the Application of The Dayton Power and Light Company to Establish a Standard Service Offer in the Form of an Electric Security Plan, et al.*, Case Nos. 12-426-EL-SSO, et al., Opinion and Order at 5 (September 4, 2013); *In the Matter of the Application of The Dayton Power and Light Company for Approval of Its Electric Security Plan, et al.*, Case Nos. 16-395-EL-SSO, et al., Application (February 22, 2016).

Columbus, Ohio 43215

Telephone: (614) 365-4100

[bojko@carpenterlipps.com](mailto:bojko@carpenterlipps.com)

(willing to accept service by e-mail)

*Counsel for the Ohio Manufacturers' Association  
Energy Group*

## **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 October 7, 2022 upon the parties listed below.

/s/ Kimberly W. Bojko  
Kimberly W. Bojko

Service List:

[christopher.hollon@aes.com](mailto:christopher.hollon@aes.com)  
[jsharkey@ficlaw.com](mailto:jsharkey@ficlaw.com)  
[djireland@ficlaw.com](mailto:djireland@ficlaw.com)  
[mwatt@ficlaw.com](mailto:mwatt@ficlaw.com)  
[mkurtz@BKLawfirm.com](mailto:mkurtz@BKLawfirm.com)  
[kboehm@BKLawfirm.com](mailto:kboehm@BKLawfirm.com)  
[jkylercohn@BKLawfirm.com](mailto:jkylercohn@BKLawfirm.com)  
[Stephanie.Chmiel@ThompsonHine.com](mailto:Stephanie.Chmiel@ThompsonHine.com)  
[Mary.Csarny@ThompsonHine.com](mailto:Mary.Csarny@ThompsonHine.com)  
[Stacie.cathcart@igs.com](mailto:Stacie.cathcart@igs.com)  
[mnugent@igsenergy.com](mailto:mnugent@igsenergy.com)  
[evan.betterton@igs.com](mailto:evan.betterton@igs.com)

Attorney Examiner:

[Patricia.Schabo@puco.ohio.gov](mailto:Patricia.Schabo@puco.ohio.gov)

**This foregoing document was electronically filed with the Public Utilities  
Commission of Ohio Docketing Information System on**

**10/7/2022 9:33:43 AM**

**in**

**Case No(s). 22-0901-EL-ATA, 22-0902-EL-AAM**

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