

**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	)	Case No. 22-901-EL-ATA
Dayton Power and Light Company d/b/a AES	)	
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.	)	

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**PETITION TO INTERVENE BY THE  
OHIO ENVIRONMENTAL COUNCIL**

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Pursuant to Ohio Revised Code § 4903.22.1 and Ohio Admin. Code § 4901-1-11, the Ohio Environmental Council (“OEC”), moves for leave to intervene in the above captioned case. With this application Dayton Power and Light Company d/b/a AES (“AES”) is proposing to implement voluntary energy efficiency programs, green energy tariffs, and electric vehicle programs. As more fully discussed in the accompanying memorandum, the OEC has a real and substantial interest in this proceeding. The OEC’s interests are not represented by any existing party. The OEC will contribute to a just and expeditious resolution of the issues involved without undue delay or unjust prejudice to any party. Thus, the OEC moves to intervene in this proceeding pursuant to R.C. 4903.221 and O.A.C. 4901-1-11.

WHEREFORE, the OEC respectfully request that the Public Utilities Commission of Ohio grant its motion to intervene for the above reasons and those set forth in the attached Memorandum in Support.

November 7, 2022:

Respectfully Submitted,

/s/Karin Nordstrom

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**Counsel for the Ohio Environmental Council**

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**MEMORANDUM IN SUPPORT OF PETITION TO INTERVENE**

Ohio Revised Code § 4903.221 provides that any “person who may be adversely affected by a public utilities commission proceeding may intervene in such proceeding.” The OEC is a non-profit, non-partisan environmental advocacy organization with a network of over 100 affiliated member groups and thousands of individual members. The OEC’s mission is to secure healthy air, land, and water for all who call Ohio home. Throughout its 50 year history, the OEC has been a leading advocate for fresh air, clean water, and sustainable energy use in Ohio. The OEC has intervened in many cases before this Commission to secure proper implementation of Ohio’s clean energy laws and policies, including AES’s 2018 grid modernization application, 18-1875-EL-GRD. The OEC’s Energy Program works to increase innovation in clean, efficient, and competitive energy choices. As active participants in the AES’s previous ESP cases, the OEC sees a modern and efficient grid as a key to Ohio’s clean energy future.

The OEC has an interest in and may be adversely affected by the disposition of this case. R.C. 4903.221(B) outlines four factors that the Commission shall consider when ruling on a motion

to intervene in a proceeding. First, the Commission shall consider “the nature and extent of the prospective intervenor’s interest.” R.C. 4903.221(B)(1). The OEC has a real and substantial interest in harnessing the stability of retail electricity service and competitive energy markets, and the positive effect both have on the further deployment of cost-effective, clean, and efficient energy in Ohio. As an environmental advocacy organization, the OEC has a special interest in the outcome of this case because the Plan will have a direct impact on the modernization and stability of Ohio’s grid. It will also impact market development of innovative technologies to support greenhouse gas reduction. A properly designed Plan also has the potential for massive electricity savings and greenhouse gas reductions. Accordingly, the OEC’s interest in this proceeding arises from the direct and indirect impacts that the issues presented will have on the environment of the state of Ohio and the region, and the electricity costs of their members in AES’s service territory.

Second, pursuant to R.C. 4903.221(B)(2), the Commission shall consider “The legal position advanced by the prospective intervenor and its probable relation to the merits of the case.” OEC maintains that AES’s Plan should be properly scrutinized by interested parties to ensure that it complies with the letter and intent of the state’s energy law and stated state energy policies.

Third, pursuant to R.C. 4903.221(B)(3), the Commission shall consider “Whether the intervention by the prospective intervenor will unduly prolong or delay the proceedings.” The OEC has significant experience with electric utility cases before the Commission and will not seek to delay the proceeding. The OEC wishes to see the process go as smoothly as possible, and thus have no intention of causing undue delay in this case. The OEC has developed expertise that will contribute to the full development of the legal questions involved in this proceeding. Thus,

intervention will not unduly prolong or delay these proceedings, but will add value to the development of this case.

Fourth, pursuant to R.C. 4903.221(B)(4), the Commission shall consider “[w]hether the prospective intervenor will significantly contribute to full development and equitable resolution of the factual issues.” As Ohio’s leading environmental advocates, the OEC will be able to assure that the environmental impacts of AES’s proposals are fully developed. The OEC plans to provide robust questions and suggestions, based on peer-reviewed research and case law, to contribute to the resolution of this case. Such actions are necessary to serve the interests of the OEC, their members, and Ohio. The OEC’s perspective and expertise will ensure that the environmental concerns of Ohioans are heard by the Commission and adequately protected. The OEC’s perspectives will echo the thoughts and hopes of millions of Ohioans.

Pursuant to O.A.C. 4901-1-11(A)(5), the Commission shall also consider “The extent to which the [intervenor’s] interest is represented by existing parties.” The OEC’s interest is not fully represented by the existing parties. The Ohio Manufacturers’ Association and retail establishments, like the Kroger Co. and Walmart Inc., represent the interests of large-scale customers. These large-scale consumers focus on price and reliability for bulk energy needs, without particular concern to the source or methods of construction. Consumer advocates such as the Ohio Consumers’ Counsel and the Citizens’ Utility Board similarly primarily focus on the impact to consumer pricing, the number that shows up on a customer’s bill, versus the combined cost to generate energy and the ecological costs to Ohio’s ecosystem. Similarly, other potential intervenors will approach this case from a number of different perspectives including economics, smaller-scale consumer pricing, job development, land use, etc.

Finally, we point out that it is the Commission's stated policy "to encourage the broadest possible participation in its proceedings."<sup>1</sup> The Commission should not apply its intervention criteria in a manner that would favor one environmental or consumer advocate to the exclusion of others. The OEC meets all the criteria established by R.C. 4903.221 and O.A.C. 4901-1-11(A)(5) and therefore should be granted intervenor status in this proceeding.

WHEREFORE, the OEC respectfully requests that the Commission grant its motion to intervene in the above captioned matter.

Respectfully Submitted,

/s/Karin Nordstrom

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November 7, 2022:

**Counsel for the Ohio Environmental Council**

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<sup>1</sup> *Cleveland Elec. Illum. Co.*, Case No. 85-675-EL-AIR, Entry dated January 14, 1986, at 2.

## **CERTIFICATE OF SERVICE**

The PUCO's e-filing system will electronically serve notice of the filing of this document on the parties. I hereby certify that a courtesy copy of the foregoing has been served upon the following parties by electronic mail this 7th day of November 2022.

/s/Karin Nordstrom

Karin Nordstrom

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**Case No(s). 22-0900-EL-SSO, 22-0901-EL-ATA, 22-0902-EL-AAM**

Summary: Petition Petition to Intervene filed by Karin Nordstrom on behalf of the  
Ohio Environmental Council electronically filed by Ms. Karin Nordstrom on behalf of  
Ohio Environmental Council