



**FILE**

**BEFORE THE  
PUBLIC UTILITIES COMMISSION OF OHIO**

**In the Matter of the Application of The  
Dayton Power & Light Company For  
the Creation of a Rate Stabilization  
Surcharge Rider and Distribution Rate  
Increase**

**Case No. 05-276-EL-AIR**

**MOTION TO INTERVENE BY  
CARGILL, INCORPORATED**

Pursuant to ORC Section 4903.221, and Ohio Administrative Code Section 4901-1-11,  
Cargill, Incorporated [Cargill] respectfully moves the Public Utilities Commission of  
Ohio [Commission] for leave to intervene in this proceeding as a full party of record.  
Cargill's intervention should be granted because it has a real and substantial interest that  
is not represented by an existing party, its participation will not cause undue delay, will  
not unjustly prejudice any existing party, and will contribute to the just and expeditious  
resolution of issues raised in these proceedings. The Memorandum In Support of this  
motion is incorporated herein by reference.

Respectfully Submitted



Craig I. Smith (Ohio Reg. # 0019207)  
Attorney At Law  
2824 Coventry Road  
Cleveland, Ohio 44120  
216-407-0890  
Fax 216-921-0204  
WTPMLC@aol.com

Attorney For Cargill, Incorporated

RECEIVED-DOCKETING DIV  
2005 APR 18 PM 2:51  
PUCO

**BEFORE THE  
PUBLIC UTILITIES COMMISSION OF OHIO**

**In the Matter of the Application of The  
Dayton Power & Light Company For  
the Creation of a Rate Stabilization  
Surcharge Rider and Distribution Rate  
Increase**

**Case No. 05-276-EL-AIR**

**MEMORANDUM IN SUPPORT OF  
MOTION TO INTERVENE BY  
CARGILL, INCORPORATED**

Pursuant to ORC Section 4903.221, and Ohio Administrative Code Section 4901-1-11,  
Cargill, Incorporated [Cargill] moves the Public Utilities Commission of Ohio  
[Commission] for leave to intervene in this proceeding as a full party of record.

Cargill operates processing facilities in Dayton and Sidney, Ohio, each served by the  
Dayton Power & Light Company [DP&L]. Cargill Dayton is served under DP&L's  
Primary Substation schedule, and Cargill Sidney under the Primary schedule. Cargill  
Dayton, one of DP&L's largest customers, consumes tens of millions kWh per year, with  
a monthly demand over 20,000 kW. Cargill Sidney is a substantial electric consumer.

Cargill Dayton and Sidney facilities long have supported the DP&L service area through  
purchases of goods and services; local, state and federal tax payments; and employment  
of a large, highly trained workforce.

DP&L's application to increase distribution rates through the creation of a rate stabilization surcharge directly and adversely affects Cargill's interest in obtaining electric service at reasonable rates and charges for its Dayton and Sidney facilities to compete in domestic and global markets.

Cargill has a real and substantial interest in these proceedings that is not represented by an existing party. Intervention is necessary for Cargill to protect those real and substantial interests. Cargill's participation will not cause undue delay, will not unjustly prejudice any existing party, and will contribute to the just and expeditious resolution of issues raised in this proceeding.

Cargill, with a real and substantial interest in these proceedings, needs to be heard, and is entitled to intervention under ORC Section 4903.221, and Ohio Administrative Code Section 4901-1-11.

Wherefore, Cargill respectfully requests that the Commission, its legal director, the

deputy legal director, or the attorney examiner assigned to these matters, grant intervention in this proceeding as a full party of record.

Respectfully Submitted



Craig I. Smith (Ohio Reg. # 0019207)  
Attorney At Law  
2824 Coventry Road  
Cleveland, Ohio 44120  
216-407-0890  
Fax 216-921-0204  
WTPMLC @ aol.com

Attorney For Cargill, Incorporated

#### CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing motion and memorandum in support, were served by ordinary mail, unless noted otherwise, postage prepaid, this 16 day of April 2005, upon the following:

Charles J. Faruki  
Faruki, Ireland & Cox PLL  
500 Courthouse Plaza, S.W.  
10 North Ludlow Street  
Dayton, Ohio 45402

Certificate of Service (Cont.)


Donna R. Seger-Lawson  
Director of Regulatory Operations  
Dayton Power & Light Company  
MacGregor Park  
1065 Woodman Avenue  
Dayton, Ohio 45432

Jeffrey Small  
Office of Ohio Consumers' Counsel  
10 West Broad Street  
Columbus, Ohio 43215

Samuel C Randazzo.  
McNees Wallace & Nurick LLC  
Fifth Third Center  
21 East State Street, 17<sup>th</sup> Floor  
Columbus, Ohio 43215-4228

David C. Rinebolt  
Ohio Partners For Affordable Energy  
231 West Lima Street  
PO Box 1793  
Findlay, Ohio 45839—1793

Ellis Jacobs.  
Legal Aid Society of Dayton  
333 West First Street, Suite 500  
Dayton, Ohio 45402

  
\_\_\_\_\_  
Craig I. Smith  
Attorney For Cargill, Incorporated