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BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of )  
The Dayton Power and Light Company )  
For the Creation of a Rate Stabilization ) Case No. 05-276-EL-AIR  
Surcharge Rider and Distribution )  
Rate Increase. )

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MOTION TO INTERVENE AND MEMORANDUM IN SUPPORT  
OF INDUSTRIAL ENERGY USERS-OHIO

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March 7, 2005

Attorneys for Industrial Energy Users-Ohio

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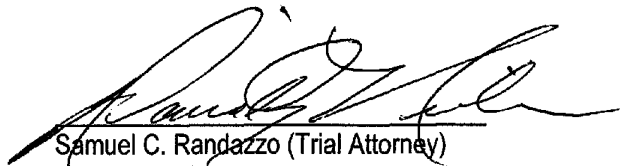
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The Industrial Energy Users-Ohio ("IEU-Ohio") hereby respectfully moves the Public Utilities Commission of Ohio ("Commission"), pursuant to Section 4903.221, Revised Code, and Rule 4901-1-11, Ohio Administrative Code, for leave to intervene in the above-captioned matter with the full powers and rights granted, by the Commission specifically, by statute, or by the provisions of the Ohio Administrative Code, to intervening parties.

On March 1, 2005, The Dayton Power & Light Company ("DP&L") filed a Notice of Intent to File an Application to Increase Rates for Electric Service as well as a Motion to Set Test Period Under Ohio Rev. Code Section 4909.15(C) and for Waiver of Certain Filing Requirements Under Ohio Administrative Code 4901-7-01. As demonstrated further in the Memorandum in Support attached hereto and incorporated herein, IEU-Ohio has a direct, real, and substantial interest in the issues and matters involved in the above-captioned proceeding, and is so situated that the disposition of this proceeding may, as a practical matter, impair or impede its ability to protect that interest.

IEU-Ohio believes that its participation in this proceeding will not cause undue delay, will not unjustly prejudice any existing party, and will contribute to the just and expeditious resolution of the issues and concerns raised in this proceeding. The interests of IEU-Ohio will not be adequately represented by other parties to the proceeding and, as such, IEU-Ohio is entitled to intervene in this proceeding with the full powers and rights granted, by the Commission specifically, by statute and by the provisions of the Ohio Administrative Code, to intervening parties.

Respectfully submitted,



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**March 7, 2005**

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**MEMORANDUM IN SUPPORT**

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In support of this Motion to Intervene, IEU-Ohio states that it is an association of ultimate customers. A current listing of IEU-Ohio member companies is available on IEU-Ohio's website at [http://www.ieu-ohio.org/public/about\\_ieu-ohio/members](http://www.ieu-ohio.org/public/about_ieu-ohio/members). IEU-Ohio's members purchase substantial amounts of electric and related services from DP&L, which is a public utility subject to the jurisdiction of the Commission.

IEU-Ohio's members work together to address matters that affect the availability and price of utility services. Additionally, IEU-Ohio seeks to promote customer-driven policies that will assure an adequate, reliable, and efficient supply of energy for all consumers at competitive prices. To this end, IEU-Ohio has worked and will continue to work to produce legislative, regulatory, and market outcomes that are consistent with the state policy contained in Section 4928.02, Revised Code.

IEU-Ohio members have been and continue to be active participants in state and federal regulatory proceedings concerning Ohio's electric utilities, including the

proceeding regarding DP&L's electric transition plan ("ETP"),<sup>1</sup> and subsequently, its rate stabilization plan ("RSP").<sup>2</sup> In fact, IEU-Ohio was a signatory party to the Stipulation and Recommendation in DP&L's ETP proceeding and its RSP proceeding, approved by the Commission on September 20, 2000 and September 2, 2003, respectively.

Many of IEU-Ohio's member companies are served by DP&L and may be affected by the proposed increase that DP&L seeks to impose. Additionally, the resolution of these issues may affect Ohio's larger effort to restructure its laws regulating the electric industry. Therefore, IEU-Ohio has a real and substantial interest in this proceeding that may directly or indirectly impact the provision of electric service to IEU-Ohio members' manufacturing facilities. Specifically, IEU-Ohio's direct interest in this proceeding is the result of the effect that this proceeding shall have upon the price, adequacy, and reliability of the electric supply and related services within Ohio, including the areas presently served by DP&L.

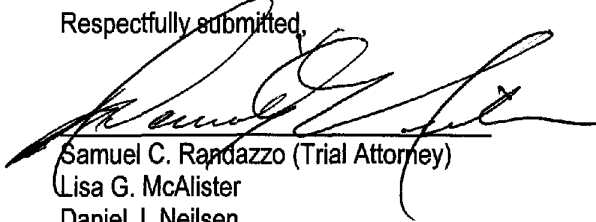
For the aforementioned reasons, IEU-Ohio has a direct, real, and substantial interest in the issues and matters involved in the above-captioned proceeding that will only be protected by its participation in this proceeding. Therefore, IEU-Ohio hereby requests that the Commission grant its intervention with the full powers and rights granted, by the Commission specifically, by statute and by the provisions of the Ohio Administrative Code, to intervening parties.

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<sup>1</sup> See *In the Matter of the Application of the Dayton Power and Light Company for Approval of its Transition Plan Pursuant to Section 4928.31, Revised Code, and for the Opportunity to Receive Transition Revenues as Authorized Under Sections 4928.31 to 4928.40, Revised Code*, Opinion and Order, PUCO Case No. 99-1687-EL-ETP (September 20, 2000).

<sup>2</sup> See *In the Matter of the Continuation of the Rate Freeze and Extension of the Market Development Period for The Dayton Power & Light Company*, Opinion and Order, PUCO Case No. 02-2779-EL-ATA (September 2, 2003).

Respectfully submitted,



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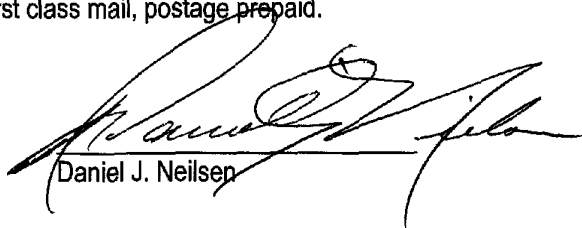
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**March 7, 2005**

**Attorneys for Industrial Energy Users-Ohio**

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing *Motion to Intervene of Industrial Energy Users-Ohio* and *Memorandum in Support* were served upon the following parties of record this 7<sup>th</sup> day of March 2005, via first class mail, postage prepaid.



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