

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of The)
Dayton Power & Light Company for) **Case No. 16-395-EL-SSO**
Approval of its Electric Security Plan.)

In the Matter of the Application of The)
Dayton Power & Light Company for) **Case No. 16-396-EL-ATA**
Approval of Revised Tariffs.)

In the Matter of the Application of The)
Dayton Power & Light Company for) **Case No. 16-397-EL-AAM**
Approval of Certain Accounting Authority)
Pursuant to Ohio Rev. Code § 4905.13.)

**MOTION FOR LEAVE TO INTERVENE OF
THE RETAIL ENERGY SUPPLY ASSOCIATION**

The Retail Energy Supply Association (RESA)¹, pursuant to Section 4903.221 of the Revised Code and Rule 4901-1-11 of the Ohio Administrative Code, moves for intervention in the above-styled proceeding. The reasons supporting the intervention are contained in the accompanying Memorandum in Support.

WHEREFORE, RESA respectfully requests that the Commission grant this motion for leave to intervene and that RESA be made a full party of record.

Respectfully Submitted,

/s/ Michael J. Settineri

Michael J. Settineri (0073369), Counsel of Record
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¹ The comments expressed in this filing represent the position of RESA as an organization but may not represent the views of any particular member of the Association. Founded in 1990, RESA is a broad and diverse group of more than twenty retail energy suppliers dedicated to promoting efficient, sustainable and customer-oriented competitive retail energy markets. RESA members operate throughout the United States delivering value-added electricity and natural gas service at retail to residential, commercial and industrial energy customers. More information on RESA can be found at www.resausa.org.

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**MEMORANDUM IN SUPPORT OF
THE MOTION TO INTERVENE OF
THE RETAIL ENERGY SUPPLY ASSOCIATION**

RESA is a broad and diverse group of retail energy suppliers who share the common vision that competitive retail energy markets deliver a more efficient, customer-oriented outcome than regulated utility structure. Many of RESA's members are certificated as competitive retail electric service providers and are active in the Ohio retail electric and natural gas markets providing service to residential, commercial, industrial and governmental customers. In addition, some of RESA's members currently provide CRES service to retail customers in the service area of The Dayton Power & Light Company ("DP&L"). Since 2010, RESA has participated in most of the electric security plan ("ESP") proceedings before the Commission.

The standard for intervention at the Public Utilities Commission of Ohio ("Commission") is governed by Rule 4901-1-11, Ohio Administrative Code, promulgated pursuant to Section 4903.221, Revised Code. Rule 4901-1-11, Ohio Administrative Code, states in part:

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.

When deciding a motion to intervene, the factors that 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* Section 4903.221(B), Revised Code. A review of the intervention criteria in light of the following facts supports granting RESA's intervention.

In its application, DP&L is requesting Commission approval of a standard service offer ("SSO") pursuant to Section 4928.141, Revised Code. DP&L proposes to implement an ESP that will have a ten-year term from January 1, 2017 through December 31, 2026. The ESP includes a proposed Reliable Electricity Rider ("RER") for a term of ten years. Under the RER proposal, prior to the start of each calendar year, projections will be made of annual variances between (1) the revenue requirement for plants (including return on and of invested capital, income taxes and fixed O&M), and (2) the revenues expected to be earned by that fleet of plants from the sale of capacity (net of capacity penalties, energy, net of fuel, emission allowance costs, and variable operating costs) and ancillary services to PJM markets. The annual variance would be transferred between DP&L and an unregulated affiliate ("Ohio Genco"). The RER would include the generation, capacity and ancillary services from allegedly "at risk" generation plants, including Stuart Station Units #1-4, Zimmer Unit #1, Miami Fort Units #7 and #8, Killen Unit #2, Conesville Unit #4, and Ohio Valley Electric Corporation's Clifty Creek Units #1-6 and Kyger Creek Units #1-5.

DP&L proposes to maintain 100% competitive bidding for its standard service offer load, in essentially the same process that exists currently. It proposes two auctions to be conducted for the procurement in the first period, June 1, 2017 to May 31, 2018. One auction is proposed to be held for subsequent twelve month periods with varying product lengths of 7, 12, 19, 24, 31, 36 and 43 months for a total of eleven auctions in the ESP. The twelve-month delivery periods will align with the PJM calendar with an exception in the final period which will be June 1, 2026 to December 31, 2026. DP&L also plans for winning bidders of its auctions to supply Renewable

Energy Credits sufficient to cover their obligation relating to the amount of SSO load that winning bidders are obligated to supply.

RESA's members have existing and potential business interests in the State that will be affected by the outcome of the proceeding. The Commission's decision in this matter will affect the viability of the competitive retail electric market in DP&L's service territory, in which some RESA members provide electric power and other products and services to retail service customers. Finally, RESA's request for intervention is timely, and similar requests have been granted in both the AEP Ohio and FirstEnergy PPA proceedings.²

The undersigned will accept service by electronic mail.

WHEREFORE, the Retail Energy Supply Association respectfully requests that the Commission grant this motion for leave to intervene and that RESA be made a full party of record.

Respectfully Submitted,

s/ Michael J. Settineri

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² See *In re Application of Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company*, Case No. 14-1297-EL-SSO, Entry dated December 1, 2014 at p.3 (granting intervention) and see *In re Application Seeking Approval of Ohio Power Company's Proposal to Enter into an Affiliate Power Purchase Agreement for Inclusion in the Power Purchase Agreement Rider*, Case No. 14-1693-EL-RDR, Entry dated September 15, 2015 at p.4 (granting intervention).

CERTIFICATE OF SERVICE

The Public Utilities Commission of Ohio's e-filing system will electronically serve notice of the filing of the public version of this document on the parties referenced in the service list of the docket card who have electronically subscribed to these cases. In addition, the undersigned certifies that a courtesy copy of the foregoing document is also being served upon the persons below via electronic mail this 30th day of June, 2016.

/s/ Michael J. Settineri

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Summary: Motion to Intervene electronically filed by Mr. Michael J. Settineri on behalf of Retail Energy Supply Association