BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

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| In the Matter of the Application of The Dayton Power and Light Company for Approval of Its Market Rate OfferIn the Matter of the Application of The Dayton Power and Light Company for Approval of Revised TariffsIn the Matter of the Application of The Dayton Power and Light Company for Approval of Certain Accounting Authority In the Matter of the Application of The Dayton Power and Light Company for the Waiver of Certain Commission RulesIn the Matter of the Application of The Dayton Power and Light Company to Establish Tariff Riders | ::::::::::::::::::: | Case No. 12-426-EL-SSOCase No. 12-427-EL-ATACase No. 12-428-EL-AAMCase No. 12-429-EL-WVRCase No. 12-672-EL-RDR |
| \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_MEMORANDUM OF APPLICANT THE DAYTON POWER AND LIGHT COMPANY IN REPLY TO JOINT MEMORANDUM IN OPPOSITION TO MOTION TO SET PROCEDURAL SCHEDULE for dp&l's electric security plan filing\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |

In the Joint Memorandum in Opposition, a number of parties in this case ask the Commission to reject the procedural schedule proposed by DP&L and to establish a procedural schedule after DP&L makes its ESP filing, or in the alternative to adopt a schedule consistent with the 275-day schedule provided in Ohio Rev. Code § 4928.143(C)(1).

DP&L filed its proposed schedule to allow this case to be resolved this year. DP&L’s proposed schedule would accomplish this goal. For that reason, the Joint Memorandum in Opposition should be rejected and DP&L’s proposed schedule should be adopted. In the alternative, should a different schedule be set, then only a short extension of DP&L’s proposed schedule should be adopted, and only so long as existing rates are continued until a Commission order deciding this ESP case.

FES and other intervenors suggest without any explanation or support that 275 days might be necessary. Such speculation ought not to be the basis for a ruling on a schedule. Given the facts that (a) some aspects of DP&L's ESP will be very similar to DP&L's just-withdrawn MRO, and (b) the parties have already been conducting discovery on some of the same issues, this Commission should set a more reasonable schedule than is suggested by FES's filing. A conference should be set to discuss a schedule; in advance of it, DP&L will endeavor to work out with the parties a proposed schedule satisfactory to a majority of the parties.

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|   | Respectfully submitted,*s/Judi L. Sobecki*Judi L. Sobecki (0067186)THE DAYTON POWER AND  LIGHT COMPANY1065 Woodman DriveDayton, OH 45432Telephone: (937) 259-7171Telecopier: (937) 259-7178Email: judi.sobecki@dplinc.com*s/Charles J. Faruki*Charles J. Faruki (0010417) (Counsel of Record)Jeffrey S. Sharkey (0067892)FARUKI IRELAND & COX P.L.L.500 Courthouse Plaza, S.W.10 North Ludlow StreetDayton, OH 45402Telephone: (937) 227-3705Telecopier: (937) 227-3717Email: cfaruki@ficlaw.comAttorneys for The Dayton Power and Light Company |

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Memorandum of Applicant
The Dayton Power and Light Company in Reply to Joint Memorandum in Opposition to Motion to Set Procedural Schedule for DP&L's Electric Security Plan Filing has been served via electronic mail upon the following counsel of record, this 24th day of September, 2012.

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| Samuel C. Randazzo, Esq.Frank P. Darr, Esq.Matthew R. Pritchard, Esq.Joseph E. Oliker, Esq.MCNEES WALLACE & NURICK LLC21 East State Street, 17th FloorColumbus, OH 43215-4228sam@mwncmh.comfdarr@mwncmh.commpritchard@mwncmh.comjoliker@mwncmh.comAttorneys for Industrial Energy Users-OhioPhilip B. Sineneng, Esq.THOMPSON HINE LLP41 South High Street, Suite 1700Columbus, OH 43215Philip.Sineneng@ThompsonHine.com | Mark A. Hayden, Esq.FIRSTENERGY SERVICE COMPANY76 South Main StreetAkron, OH 44308haydenm@firstenergycorp.com James F. Lang, Esq.Laura C. McBride, Esq.N. Trevor Alexander, Esq.CALFEE, HALTER & GRISWOLD LLP1400 KeyBank Center800 Superior AvenueCleveland, OH 44114jlang@calfee.comlmcbride@calfee.comtalexander@calfee.com |
| Amy B. Spiller, Esq.Deputy General CounselJeanne W. Kingery, Esq.Associate General CounselDUKE ENERGY RETAIL SALES, LLC and DUKE ENERGY COMMERCIAL ASSET MANAGEMENT, INC.139 East Fourth Street1303-MainCincinnati, OH 45202Amy.Spiller@duke-energy.comJeanne.Kingery@duke-energy.comAttorneys for Duke Energy Retail Sales, LLC and Duke Energy Commercial Asset Management, Inc. | David A. Kutik, Esq.JONES DAYNorth Point901 Lakeside AvenueCleveland, OH 44114dakutik@jonesday.comAllison E. Haedt, Esq.JONES DAY325 John H. McConnell Blvd., Suite 600Columbus, OH 43215-2673aehaedt@jonesday.comAttorneys for FirstEnergy Solutions Corp. |
| Robert A. McMahon, Esq.EBERLY MCMAHON LLC2321 Kemper Lane, Suite 100Cincinnati, OH 45206bmcmahon@emh-law.comRocco D'Ascenzo, Esq.Associate General CounselElizabeth Watts, Esq.Associate General CounselDUKE ENERGY OHIO, INC.139 East Fourth Street1303-MainCincinnati, OH 45202Elizabeth.Watts@duke-energy.comRocco.D'Ascenzo@duke-energy.comAttorneys for Duke Energy Ohio, Inc. | Jay E. Jadwin, Esq.AMERICAN ELECTRIC POWERSERVICE CORPORATION155 W. Nationwide Blvd., Suite 500Columbus, OH 43215jejadwin@aep.comAttorney for AEP Retail Energy Partners LLCM. Anthony Long, Esq. Senior Assistant CounselHONDA OF AMERICA MFG., INC.24000 Honda ParkwayMarysville, OH 43040tony\_long@ham.honda.comAttorney for Honda of America Mfg., Inc. |
| David F. Boehm, Esq.Michael L. Kurtz, Esq.BOEHM, KURTZ & LOWRY36 East Seventh Street Suite 1510Cincinnati, OH 45202-4454dboehm@BKLlawfirm.commkurtz@BKLlawfirm.comAttorneys for Ohio Energy GroupGregory J. Poulos, Esq.EnerNOC, Inc.471 East Broad StreetColumbus, OH 43215Telephone: (614) 507-7377Email: gpoulos@enernoc.comAttorney for EnerNOC, Inc. | Richard L. Sites, Esq.General Counsel and Senior Director of Health PolicyOHIO HOSPITAL ASSOCIATION155 East Broad Street, 15th FloorColumbus, OH 43215-3620ricks@ohanet.orgThomas J. O'Brien, Esq.BRICKER & ECKLER LLP100 South Third StreetColumbus, OH 43215-4291tobrien@bricker.comAttorneys for Ohio Hospital AssociationThomas McNamee, Esq.Assistant Attorney General  |
| Colleen L. Mooney, Esq.OHIO PARTNERS FOR AFFORDABLE ENERGY231 West Lima StreetP.O. Box 1793Findlay, OH 45839-1793cmooney2@columbus.rr.comAttorney for Ohio Partners for Affordable Energy | Devin Parram, Esq.Assistant Attorneys General 180 East Broad StreetColumbus, OH 43215Thomas.mcnamee@puc.state.oh.us devin.parram@puc.state.oh.usAttorneys for the Staff of the Public UtilitiesCommission of Ohio |
| Mark S. Yurick, Esq.(Counsel of Record)Zachary D. Kravitz, Esq.TAFT STETTINIUS & HOLLISTER LLP65 East State Street, Suite 1000Columbus, OH 43215myurick@taftlaw.comzkravitz@taftlaw.comAttorneys for The Kroger Company | Joseph P. Serio, Esq. (Counsel of Record)Melissa R. Yost, Esq.Assistant Consumers' CounselOffice of The Ohio Consumers' Counsel10 West Broad Street, Suite 1800Columbus, OH 43215-3485serio@occ.state.oh.usyost@occ.state.oh.usAttorneys for Office of the Ohio Consumers' Counsel |
| Mark A. Whitt, Esq. (Counsel of Record)Andrew J. Campbell, Esq.WHITT STURTEVANT LLPPNC Plaza, Suite 2020155 East Broad StreetColumbus, OH 43215whitt@whitt-sturtevant.comcampbell@whitt-sturtevant.comVincent Parisi, Esq.Matthew White, Esq.INTERSTATE GAS SUPPLY, INC.6100 Emerald ParkwayDublin, OH 43016vparisi@igsenergy.commswhite@igsenergy.comAttorneys for Interstate Gas Supply, Inc.Steven M. Sherman, Esq. Counsel of RecordJoshua D. Hague, Esq. | Christopher L. Miller, Esq. (Counsel of Record)Gregory H. Dunn, Esq.Asim Z. Haque, Esq.ICE MILLER LLP250 West StreetColumbus, OH 43215Christopher.Miller@icemiller.comGregory.Dunn@icemiller.comAsim.Haque@icemiller.comAttorneys for the City of Dayton, OhioM. Howard Petricoff, Esq.Stephen M. Howard, Esq.VORYS, SATER, SEYMOUR AND PEASE LLP52 East Gay StreetP.O. Box 1008Columbus, OH 43216-1008mhpetricoff@vorys.comsmhoward@vorys.comAttorneys for the Retail Energy Supply Association |
| Grant E. Chapman, Esq.KRIEG DEVAULT LLPOne Indiana Square, Suite 2800Indianapolis, IN 46204-2079ssherman@kdlegal.comjhague@kdlegal.comgchapman@kdlegal.comAttorneys for Wal-Mart Stores East, LPand Sam's East, Inc. | Trent A. Dougherty, Esq. Counsel of RecordCathryn N. Loucas, Esq.OHIO ENVIRONMENTAL COUNCIL1207 Grandview Avenue, Suite 201Columbus, OH 43212-3449trent@theoec.orgcathy@theoec.orgAttorneys for the Ohio Environmental Council |
| Joseph M. Clark, Esq., Counsel of Record6641 North High Street, Suite 200Worthington, OH 43085joseph.clark@directenergy.comAsim Z. Haque, Esq.Christopher L. Miller, Esq.Gregory J. Dunn, Esq.Alan G. Starkoff, Esq.ICE MILLER LLP2540 West StreetColumbus, OH 43215Asim.Haque@icemiller.comChristopher.Miller@icemiller.comGregory.Dunn@icemiller.comAttorneys for Direct Energy Services, LLCand Direct Energy Business, LLC | Ellis Jacobs, Esq.Advocates for Basic Legal Equality, Inc.333 West First Street, Suite 500BDayton, OH 45402ejacobs@ablelaw.orgAttorney for Edgemont Neighborhood CoalitionStephanie M. Chmiel, Esq.Michael L. Dillard, Jr., Esq.THOMPSON HINE LLP41 South High Street, Suite 1700Columbus, OH 43215Stephanie.Chmiel@ThompsonHine.comMichael.Dillard@ThompsonHine.comAttorneys for Border Energy Electric Services, Inc. |
| M. Howard Petricoff, Esq.VORYS, SATER, SEYMOUR AND PEASE LLP52 East Gay StreetP.O. Box 1008Columbus, OH 43216-1008mhpetricoff@vorys.comsmhoward@vorys.comAttorneys for Exelon Generation Company, LLC, Exelon Energy Company, Inc., Constellation Energy Commodities Group, Inc., and Constellation NewEnergy, Inc. | Lisa McAlister, Esq.Matthew W. Warnock, Esq.J. Thomas Siwo, Esq.BRICKER & ECKLER LLP100 South Third StreetColumbus, OH 43215-4291lmcalister@bricker.commwarnock@bricker.comtsiwo@bricker.comAttorneys for The Ohio Manufacturers' Association Energy Group |
| Matthew J. Satterwhite, Esq.Steven T. Nourse, Esq.AMERICAN ELECTRIC POWER SERVICE CORPORATION1 Riverside Plaza, 29th FloorColumbus, OH 43215mjsatterwhite@aep.comstnourse@aep.comAttorneys for Ohio Power Company | Kimberly W. Bojko, Esq.Joel E. Sechler, Esq.CARPENTER LIPPS & LELAND LLP280 Plaza, Suite 1300280 North High StreetColumbus, OH 43215Bojko@carpenterlipps.comSechler@carpenterlipps.comAttorneys for SolarVision, LLC |
| Matthew R. Cox, Esq.MATTHEW COX LAW, LTD.4145 St. Theresa Blvd.Avon, OH 44011matt@matthewcoxlaw.comAttorney for the Council of Smaller Enterprises | Scott C. Solberg, Esq. *(requested pro hac vice)*Eimer Stahl LLP224 South Michigan Avenue, Suite 1100Chicago, OH 60604ssolberg@eimerstahl.comAttorney for Exelon Generation Company, LLC |

*s/Charles J. Faruki*

Charles J. Faruki