

## BEFORE

## THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of The Dayton )  
 Power and Light Company for Relocation of the ) Case No. 07-1252-EL-ATA  
 Rate Stabilization Surcharge. )

FINDING AND ORDER

The Commission finds:

- (1) The Dayton Power and Light Company (DP&L or Applicant) is a public utility as defined in Section 4905.02, Revised Code, and, as such, is subject to the jurisdiction of this Commission.
- (2) On September 3, 2003, in Case No. 02-2779-EL-ATA et al., the Commission approved a stipulation (the RSP Stipulation) which extended the market development period for The Dayton Power and Light Company (DP&L) to December 31, 2005, and provided for a rate stabilization period from January 1, 2006, through December 31, 2008. In addition, among other terms, the RSP Stipulation provided that all customers would be assessed a rate stabilization surcharge (the RSS Rider) of up to 11 percent of the tariffed generation charges as of January 1, 2004. *In re Dayton Power and Light Company*, Case No. 02-2779-EL-ATA et al., Opinion and Order (September 2, 2003).
- (3) On March 1, 2005, and April 4, 2005, in Case No. 05-276-EL-AIR, DP&L filed its application to establish the RSS Rider. On December 28, 2005, the Commission approved, with modifications, a stipulation which, among other terms, established the RSS Rider and extended the rate stabilization period to December 31, 2010. Moreover, the Commission ordered that the RSS Rider be placed in DP&L's distribution tariff. *In re Dayton Power and Light Company*, Case No. 05-276-EL-AIR, Opinion and Order (December 28, 2005).
- (4) On appeal, the Ohio Supreme Court affirmed the Commission's approval of the stipulation in Case No. 05-276-EL-AIR but remanded the case to the Commission to order DP&L to change the location of the RSS Rider from distribution service tariffs to generation service tariffs. *Ohio Consumers' Counsel v. Pub. Util. Comm.* (2007), 114 Ohio St.3d 340.

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- (5) On December 6, 2007, DP&L filed an application in this proceeding, proposing to cancel PUCO No. 17 Electric Distribution Service Sheet Number D30 and republishing it with an identical sheet denoted as PUCO Number 17 Electric Generation Service Sheet Number G25.
- (6) On January 28, 2008, Cargill, Inc. (Cargill) filed a motion to intervene in this case. No memorandum contra Cargill's motion to intervene was filed.
- (7) Cargill indicated it neither supported nor opposed the RSS Rider as a non-bypassable generation rate charge. However, Cargill noted that the RSS Rider should not become a disincentive to the further development of effective competitive markets during the remainder of DP&L's rate stabilization plan or a precedent for future approval of non-bypassable generation rate charges after DP&L's rate stabilization plan ends on December 31, 2010.
- (8) The Commission finds that Cargill has stated reasonable grounds to intervene, and the motion will be granted.
- (9) This application has been filed pursuant to Section 4909.18, Revised Code, and the Commission finds, as the Applicant alleges, that it is not for an increase in any rate, joint rate, toll, classification, charge or rental and does not appear to be unjust or unreasonable and should be approved. Further, the tariff change complies with the remand of the Ohio Supreme Court. Therefore, the Commission finds that it is unnecessary to hold a hearing in this matter.

It is, therefore,

ORDERED, That DP&L's application be approved as filed. It is, further,

ORDERED, That DP&L is authorized to file in final form four complete copies of the tariff consistent with this Finding and Order. Applicant shall file one copy in its TRF docket (or may make such filing electronically as directed in Case No. 06-900-AU-WVR) and one copy in this case docket. The remaining two copies shall be designated for distribution to the Rates and Tariffs, Energy and Water Division of the Commission's Utilities Department. It is, further,

ORDERED, Cargill's motion to intervene be granted. It is, further,

ORDERED, That the updated tariff shall be effective for bills rendered on and after the date final tariffs are filed. It is, further,

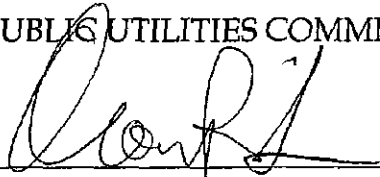
ORDERED, That DP&L shall notify all affected customers of the tariff changes via a bill message, bill insert, or separate mailing within 45 days of the effective date of the tariffs. A copy of the customer notice shall be submitted to the Commission's Service Monitoring and Enforcement Department, Reliability and Service Analysis Division, at least 10 days prior to its distribution to customers. It is, further,

ORDERED, That DP&L file a bill format case in order to comply with the new placement of the RSS Rider on customers' bills. It is, further,

ORDERED, That nothing in this Finding and Order shall be binding upon this Commission in any future proceeding or investigation involving the justness or reasonableness of any rate, charge, rule, or regulation. It is, further,

ORDERED, That a copy of this order be served upon the Applicant and all other all parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO



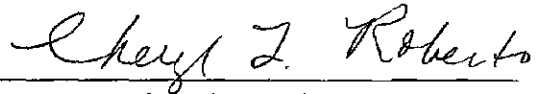
Alan R. Schriber, Chairman



Paul A. Centolella



Ronda Hartman Fergus

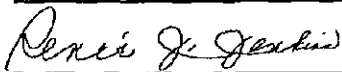


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Renee J. Jenkins  
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