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September 10, 2008

Via Fed Ex

Public Utilities Commission of Ohio
Docketing Division
180 East Broad Street
Columbus, OH 43215-3793

Re: *In the Matter of the Adoption of Rules for Alternative and Renewable Energy Technologies and Resources, and Emission Control Reporting Requirements, and Amendment of Chapters 4901: 5-1, 4901:5-3, 4901:5-5, and 4901:5-7 of The Ohio Administrative Code pursuant to chapter 4928, revised Code to Implement Senate Bill No. 221. Case No. 08-888-EL-ORD*

Dear Sir/Madam:

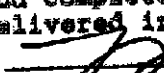
Enclosed please find for filing the original and (11) eleven copies of the Motion to Substitute of The Dayton Power and Light Company.

Please time-stamp and return the extra copy in the self addressed stamped envelope provided. If you have any questions, please call Judi L. Sobecki at 937-259-7171.

Sincerely,

Jenna Johnson-Holmes
Administrative Assistant

Enclosures

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**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

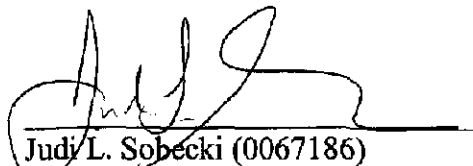
**In the Matter of the Adoption of Rules)
for Alternative and Renewable Energy)
Technologies and Resources, and)
Emission Control Reporting)
Requirements, and Amendment of)
Chapters 4901:5-1, 4901:5-3, 4901:5-5,)
and 4901:5-7 of the Ohio Administrative)
Code pursuant to Chapter 4928, Revised)
Code to Implement Senate Bill No. 221)**

Case No. 08-888-EL-ORD

MOTION TO SUBSTITUTE OF THE DAYTON POWER AND LIGHT COMPANY

The Dayton Power and Light Company ("DP&L") hereby moves this Commission to permit it to substitute the two attached corrected pages for the original pages 5 and 14 filed in its initial comments on September 9, 2008. The reasons in support of this motion are more fully explained in the attached memorandum.

Respectfully submitted,



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MEMORANDUM

The Dayton Power and Light Company ("DP&L") timely filed its initial comments on September 9, 2008. Due to an oversight, two minor edits DP&L intended to make to the comments were inadvertently overlooked in the drafting process and the uncorrected version was filed. DP&L respectfully moves the Commission to permit it to substituted the two attached pages 5 and 14 to replace the original pages 5 and 14 filed with its initial comments. As this motion is being filed less than one day after the initial comments were filed, no prejudice will result to any interested party by permitting this substitution. DP&L respectfully requests this motion to substitute be granted and the attached pages replace the original pages 5 and 14 filed on September 9, 2008.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Judi L. Sobecki', with a long horizontal flourish extending to the right.

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Under this approach, the proposed regulation on energy savings baseline should read:

The baseline for energy savings shall be the average of the total kilowatt hours purchased by the electric utility's Ohio distribution customers in the preceding three calendar years as reported in the utility's three most recent forecast reports, adjusted to eliminate the effects of energy savings that were achieved in prior calendar years.

The proposed regulation on the peak demand reduction baseline would contain a similar adjustment.

3. Section 4901:1-39-04(B)(2)

In addition to the language proposed to establish either a 2006-08 baseline or to make an adjustment to reflect prior years' reductions, two technical amendments are proposed. The beginning of the first sentence should be modified to read as:

The baseline for peak demand reduction shall be the average of the highest seasonal hourly integrated peak demand in each of the preceding past three calendar years . . .“

This language clarifies that it is the average of the peaks in the three preceding years that is applied and uses the word “preceding” rather than “past” in order to conform with the same term used in subsection (B)(1).

Additionally, a sentence should be added to the end of subsection (B)(2) to clarify that it is the utility's peak demand that is to be measured, not the load of the utility as of the hour that the entire State hit a peak or when some regional transmission organization hit its peak.

The integrated peak demand refers to the demand experienced by the utility during the hour in which the utility had its peak.

customer's baseline usage. These subsection(s) should be consistent with the related provisions proposed by DP&L in its July 22, 2008 comments to OAC 4901:1-38-04(B).³

IV. 4901:1-40 ALTERNATIVE ENERGY PORTFOLIO STANDARD

A. Section 4901:1-40-01 Definitions

1. Section 4901:1-40-01(I) "Deliverable into this State"

The Commission should adopt the most expansive definition possible of "deliverable into this State" in order to maximize the number of potential suppliers of alternative energy at the most economical cost to consumers. Consistent with that objective, DP&L proposes a modification to the definition set forth in the proposed regulations that would read:

"Deliverable into this state" means that the electricity or Renewable Energy Certificate originates from a facility that is interconnected to electric distribution and transmission systems such that the electricity from such a facility could be transmitted to this State. Any electricity from a facility sited in Ohio, a contiguous State, or interconnected with an electric transmission company that is a member of the PJM Interconnection, LLC, or the Mid-West Independent Transmission System, Inc. shall be deemed to be "Deliverable into this state." For facilities sited elsewhere, a showing is required that a transmission path exists such that the power from such a facility could be delivered into this state, but it shall not be required that transmission agreements actually be executed.

The addition of the phrase "Renewable Energy Certificate" in the first sentence is to harmonize this definition with proposed regulations section 4901:1-40-04(D)(1), which requires that RECs used to meet the renewable requirement originate from a facility that meets the definition of a renewable energy resource, which, in turn, has a "deliverability" requirements.

The second sentence of the proposed definition is appropriate for administrative convenience: there should be no requirement for a showing to establish something that the Commission already knows – electricity from facilities sited within PJM or MISO are deliverable into Ohio. Both PJM and MISO require a study to be performed prior to the time

³ DP&L proposed the same additions in section IV(C)(2) of its July 22, 2008 comments filed in Case No. 08-777-EL-ORD