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BEFORE THE
PUBLIC UTILITIES COMMISSION OF OHIO

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2009 NOV 19 PM 3: 55

In the Matter of the Application of The
Dayton Power and Light Company for
Approval of Its Electric Security Plan

Case No. 08-1094-EL-SSO

PUCO

In the Matter of the Application of The
Dayton Power and Light Company for
Approval of Revised Tariffs

Case No. 08-1095-EL-ATA

In the Matter of the Application of The
Dayton Power and Light Company for
Approval of Certain Accounting
Authority Pursuant to Ohio Rev. Code
Section 4905.13

Case No. 08-1096-EL-AAM

In the Matter of the Application of The
Dayton Power and Light Company for
Approval of Its Amended Corporate
Separation Plan

Case No. 08-1097-EL-UNC

**MOTION OF THE STAFF
OF THE PUBLIC UTILITIES COMMISSION OF OHIO
FOR AN EXTENSION OF TIME TO FILE COMMENTS
AND REPLY COMMENTS AND FOR EXPEDITED CONSIDERATION**

Pursuant to Rule 4901-1-13 of the Ohio Administrative Code, The Staff of the Public Utilities Commission of Ohio (Staff) respectfully moves the Public Utilities Commission of Ohio (Commission) for an order granting an extension of time for all parties to file comments and reply comments in this matter. Staff requests that comments be due on December 15, and reply comments be due on December 22.


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In addition, Staff requests an expedited ruling in this matter pursuant to Ohio Administrative Code Section 4901-1-12(C). The Dayton Power & Light Company has indicated that it does not oppose this motion. Staff has notified other parties by electronic mail of its intent to file this motion and no party has objected. The reasons demonstrating good cause for granting this motion are more fully explained in the attached Memorandum in Support.

Respectfully submitted,

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MEMORANDUM IN SUPPORT

INTRODUCTION

On August 4, 2009, DP&L filed its revised AMI and Smart Grid business cases pursuant to paragraph 4 of the Stipulation and Recommendation approved without modification by the Commission by Opinion and Order dated June 24, 2009. DP&L supplemented its revised business cases on August 13, 2009 and September 15, 2009. By entry dated September 23, 2009, the Commission ordered a technical conference, which took place on October 22, 2009, and which was well attended by intervening parties and Staff. On November 4, 2009, the Commission entered a procedural order, in which it ordered all interested parties to file comments on DP&L's revised AMI and Smart Grid Business cases by November 24, 2009. The order also set a December 1, 2009 deadline for filing reply comments.

Pursuant to the Stipulation and Recommendation in this case, Commission Staff is to endeavor to complete its report on DP&L's refiled business cases in the fourth quarter of 2009. The extension of deadline sought herein will still allow for the Staff review to be completed in that time frame, considering the Staff review would be reflected in a filing of comments. As a result, Staff seeks the extension of the comment and reply comment deadlines described above.

ARGUMENT

Section 4901-1-13(A) of the Ohio Administrative Code permits an extension of time to file pleadings or other papers before the Commission upon good cause being shown, providing specifically:

Except as otherwise provided by law, and notwithstanding any other provision in this chapter, continuances of public hearings and extensions of time to file

pleadings or other papers may be granted upon motion of any party for good cause shown, or upon motion of the commission, the legal director, the deputy legal director, or an attorney examiner.

The Commission may issue an expedited decision on such motions under certain circumstances:

Any motion may include a specific request for an expedited ruling. The grounds for such a request shall be set forth in the memorandum in support. If the motion requests an extension of time to file pleadings or other papers of five days or less, an immediate ruling may be issued without the filing of memoranda. In all other situations, the party requesting an expedited ruling may first contact all other parties to determine whether any party objects to the issuance of such a ruling without the filing of memoranda. If the moving party certifies that no party objects to the issuance of such a ruling, an immediate ruling may be issued...'

Staff respectfully requests that the Commission extend the date for all parties to file comments to December 15, 2009, and to file reply comments to December 22, 2009 in order to allow sufficient time for the Dayton Power & Light Company to respond to currently pending and planned additional discovery to be completed.

At the time of this filing there is at least one unanswered staff discovery request. Given an extension of time Staff would issue additional discovery requests. The revised business cases filed by Dayton consists of revised schedules and work papers, not any revised testimony or description of changes, thus making it more difficult to trace the changes from its original filing. This has required Staff to expend additional time and effort to analyze the filing.

It is Staff's understanding that the stipulated timeline guidance is not binding in the sense that it requires staff to *endeavor* to complete its review in the 4th quarter of 2009. In any case, that review will be timely reflected in a December 15th filing of comments in this case should the Commission grant the instant request.

It is Staff's understanding that a principal underlying requirement for timely action was the contingency that Dayton Power & Light Company might receive federal stimulus funding pursuant to the proposal it submitted to the U.S. Department of Energy. Had an award been

made, there would have been a timeline for DP&L to receive and expend the funds. That award was not made pursuant to Dayton's application, so there is no pressing timeline imposed by any grant of stimulus monies.

The current outstanding and future additional planned discovery requests by staff, along with the nature and complexity of this proceeding presents good cause to warrant this extension of time. Further, this extension of just a few weeks will not significantly inhibit the parties' ability to prepare comments or reply comments, in fact, it will presumably better facilitate their ability to do so.

In addition, while not required to do so under the Rules, Staff contacted Dayton Power & Light by telephone, and the company indicated it does not oppose the extension. Other parties have been notified by electronic mail and no party has objected. Finally, given the fast approaching deadlines, the fact that the extension still allows for a review in the time frame provided for under the stipulation, and the lack of expressed opposition to this motion by DP&L, the Staff requests an expedited ruling.


CONCLUSION

For the reasons explained herein, good cause exists for an extension of time for all parties to this proceeding to file comments and reply comments and Staff respectfully requests the Commission issue an expedited ruling granting an extension of time until December 15, 2009, in which to file comments, and to December 22, 2009, in which to file reply comments.

Respectfully submitted,

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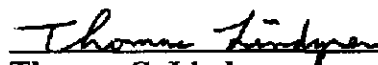


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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing has been served via electronic mail upon the following counsel of record, this 19th day of November, 2009.

Respectfully submitted,



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