

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of The )  
Dayton Power and Light Company to ) Case No. 10-88-EL-RDR  
Update its Transmission Cost Recovery )  
Rider and PJM RPM Rider. )

FINDING AND ORDER

The Commission finds:

- (1) The Dayton Power & Light Company (DP&L) is a public utility as defined in Section 4905.02, Revised Code, and, as such, is subject to the jurisdiction of this Commission.
- (2) By finding and orders issued in Case No. 09-256-EL-UNC on May 27, 2009, and November 18, 2009, as well as an entry on rehearing issued on September 9, 2009, the Commission approved DP&L's transmission cost recovery rider (TCRR) and PJM Reliability Pricing Model (RPM) rider.
- (3) Rule 4901:1-36-03(B), Ohio Administrative Code (O.A.C.), requires each electric utility with an approved TCRR to update the rider pursuant to a schedule set forth by Commission order. By entry issued on April 15, 2009, in Case No. 08-777-EL-ORD, DP&L was ordered to file its annual update to the TCRR on February 15, for rates to become effective on May 1.
- (4) On February 16, 2010, DP&L filed an application to update its TCRR and PJM RPM rider. DP&L amended its application by filing work papers and a revised proposed tariff on February 26, 2010.
- (5) Motions to intervene were filed by the Office of the Ohio Consumers' Counsel (OCC) on March 19, 2010, and by the Industrial Energy Users-Ohio (IEU-Ohio) on March 26, 2010. No memoranda contra were filed in opposition to the motions to intervene. The Commission finds that the motions to intervene are reasonable and should be granted.
- (6) On April 16, 2010, Commission staff filed its review and recommendation regarding DP&L's application. Staff found that the proposed rates in the updated riders will be effective

from May 1, 2010, through April 30, 2011. According to staff, the new rates reflect an increase in charges resulting from an under-recovery of costs from the June 2009 through December 31, 2009 timeframe, as well as a projected increase in costs for May 2010 through April 2011.

In its review of the TCRR, staff found that the total revenue to be collected during the May 2010 through April 2011 period is approximately \$77 million, including \$6.1 million of under-recovered costs from the June 2009 through December 31, 2009 timeframe, as well as \$2.2 million in deferred costs, which will be recovered over a two-year period. The Commission authorized deferral of these costs in Case No. 08-1209-EL-AAM, and DP&L was authorized to recover the deferred costs in Case No. 09-256-EL-UNC.

Staff determined that the total revenue to be collected during the May 2010 through April 2011 period under the PJM RPM rider is approximately \$68 million, including approximately \$8.7 million in under-recovered costs from the last period and \$9.7 million in deferred costs, which also will be recovered over a two-year period. The Commission authorized deferral of these costs in Case No. 08-1209-EL-AAM, and DP&L was authorized to recover the deferred costs in Case No. 09-256-EL-UNC.

Staff concluded that the TCRR and PJM RPM rider appropriately included only those costs and credits incurred by DP&L as a result of serving its retail customers in Ohio and, accordingly, staff recommends that the Commission approve DP&L's updated filing for bills rendered beginning May 1, 2010.

- (7) The Commission finds that DP&L's updated TCRR and PJM RPM rider are consistent with Section 4928.05(A)(2), Revised Code, and Chapter 4901:1-36, O.A.C., as well as the stipulation in DP&L's electric security plan proceeding, *In re Dayton Power and Light Co.*, Case No. 08-1094-EL-SSO, do not appear to be unjust or unreasonable, and should be approved. Therefore, the Commission finds that it is unnecessary to hold a hearing in this matter.

- (8) In its application, DP&L explains that because February 15, 2010, fell on a holiday when Commission offices were closed, its application was filed the next day, as permitted by Rule 4901:1-07(D), O.A.C. Consequently, DP&L requests a limited waiver of Rules 4901:1-36-03(D) and 4901:1-36-05, O.A.C., which require that an annual application to update the TCRR be made not less than 75 days prior to the proposed effective date of the updated rider. DP&L explains that because of the holiday, the effective date of the new rate would fall only 74 days after the filing of the application. DP&L maintains that its request to waive only one day of the 75-day requirement will not unduly prejudice any party. For these reasons, DP&L requests that the Commission waive the 75-day requirement of Rules 4901:1-36-03(D) and 4901:1-36-05, O.A.C., for DP&L's 2010 TCRR application.
- (9) Rule 4901:1-36-02, O.A.C., permits the Commission to waive any requirement of Chapter 4901:1-36, O.A.C., other than a requirement mandated by a statute, for good cause shown. The Commission finds that DP&L's request for a limited waiver of Rules 4901:1-36-03(D) and 4901:1-36-05, O.A.C., is reasonable, and should be granted.
- (10) The Commission finds that DP&L's updated TCRR and PJM RPM rider should become effective May 1, 2010.

It is, therefore,

ORDERED, That the application filed by DP&L be approved. It is, further,

ORDERED, That DP&L's request for a limited waiver of Rules 4901:1-36-03(D) and 4901:1-36-05, O.A.C., be granted, in accordance with finding (9). It is, further,

ORDERED, That the motions to intervene filed by OCC and IEU-Ohio be granted. It is, further,

ORDERED, That DP&L file, in final form, four complete copies of tariffs consistent with this Finding and Order. One copy shall be filed with this case docket, one shall be filed with the Applicant's TRF docket, and the remaining two copies shall be designated for distribution to the Rates and Tariffs Division of the Commission's Utilities Department. DP&L shall also update its tariffs previously filed electronically with the Commission's Docketing Division. It is, further,


ORDERED, That the effective date of the new tariffs shall be a date not earlier than May 1, 2010, and the date upon which four complete printed copies of final tariffs are filed with the Commission. The new tariffs shall be effective for bills rendered on or after such effective date. It is, further,

ORDERED, That DP&L shall notify all affected customers via a bill message or via a bill insert within 30 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 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 Finding and Order be served upon all parties of record.

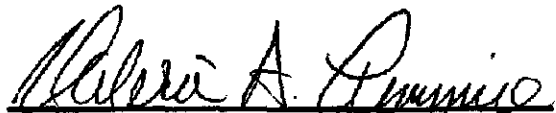
THE PUBLIC UTILITIES COMMISSION OF OHIO



Alan R. Schriber, Chairman



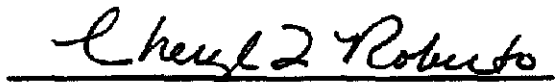
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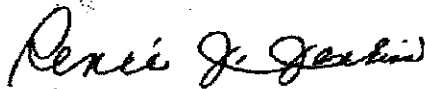


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Renee J. Jenkins  
Secretary