

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Investigation into the)
Development of the Significantly Excessive) Case No. 09-786-EL-UNC
Earnings Test Pursuant to Amended Substitute)
Senate Bill 221 for Electric Utilities.)

In the Matter of the Application of)
Columbus Southern Power Company and) Case No. 10-517-EL-WVR
Ohio Power Company for a Limited Waiver of)
Rule 4901:1-35-10, Ohio Administrative Code.)

ENTRY NUNC PRO TUNC

The Commission finds:

- (1) By entry issued May 5, 2010, the Commission granted the Dayton Power and Light Company (DP&L), as well as other Ohio electric utilities, a waiver of Rule 4901:1-35-10, Ohio Administrative Code (O.A.C.); to the extent that the rule requires information to be filed by May 15, 2010, and granted an extension of the filing requirements until July 15, 2010.
- (2) The Commission hereby revises the May 5, 2010 entry, to recognize that pursuant to DP&L's approved electric security plan in Case No. 08-1094-EL-SSO, *In the Matter of the Application of The Dayton Power and Light Company for Approval of its Electric Security Plan*, et al., the significantly excessive earnings test codified in Section 4928.143(F), Revised Code, is not applicable to DP&L for the years 2009 through 2011. Accordingly, DP&L is not required to file the SEET information required pursuant to Rule 4901:1-35-10, O.A.C., by May 15, 2010 and does not require an extension. For that reason finding (7) and the ordering paragraphs of the May 5, 2010, entry should be amended to omit any reference to DP&L.

It is, therefore,

ORDERED, That the May 5, 2010 entry, be amended, *nunc pro tunc*, to omit any reference to DP&L. It is, further,

ORDERED, That a copy of this entry be served upon all interested persons of record in 09-786-EL-UNC.

THE PUBLIC UTILITIES COMMISSION OF OHIO



Alan R. Schriber, Chairman



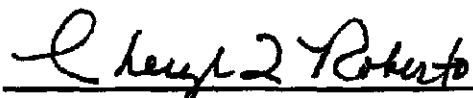
Paul A. Centolella



Valerie A. Lemmie



Steven D. Lesser



Cheryl L. Roberto

GNS/vrm

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Renee J. Jenkins
Secretary