

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Commission's Review of	)	
Chapters 4901-1, Rules of Practice and	)	Case No. 11-776-AU-ORD
Procedure; 4901-3, Commission Meetings;	)	
4901-9, Complaint Proceedings; and 4901:1-1,	)	
Utility Tariffs and Underground Protection, of	)	
the Ohio Administrative Code.	)	

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**COMMENTS OF THE DAYTON POWER AND LIGHT COMPANY**

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**I.     INTRODUCTION**

By entry dated March 2, 2011, the Public Utilities Commission of Ohio ("Commission") solicited comments from interested parties on proposed rule amendments to Chapters 4901-1, 4901-3, 4901-9 and 4901:1-1 of the Ohio Administrative Code ("O.A.C."). The Dayton Power and Light Company ("DP&L") respectfully submits the following comments to the Commission regarding the proposed revisions.

**II.    COMMENTS**

The proposed revision to Rule 4901-1-30(D) imposes a requirement that parties filing a full or partial written stipulation or making an oral stipulation must file or provide testimony that supports the stipulation. DP&L proposes adding a sentence (in underlined text below) reading as follows:

Unless otherwise ordered, parties who file a full or partial written stipulation or make an oral stipulation must file or provide testimony that supports the stipulation. Parties that do not join the stipulation may offer evidence and/or argument in opposition.  
When a stipulation resolving all issues in the proceeding is signed by all the parties, or is otherwise uncontested or unopposed by any party, then, unless otherwise ordered, the stipulation and any testimony prefiled by a witness in support of the stipulation at least three days in advance of the hearing shall be admissible in evidence without requiring the personal appearance of the witness at the hearing at

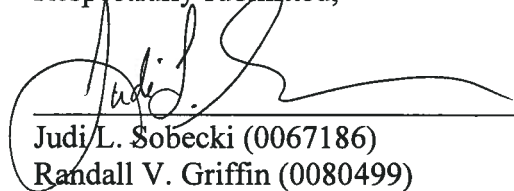
which the stipulation, testimony and other exhibits are entered into the record. No stipulation shall be considered binding upon the commission.

DP&L proposes this addition to the rule in the interest of lessening the administrative cost and burden to the parties in cases where the stipulation is uncontested. In the most cases in which the stipulation is unopposed, the witness providing testimony supporting the stipulation appears at the hearing, only to be called to the stand for a very brief period to identify and adopt the prefiled testimony, and no party questions or cross-examines the witness. In many cases this entire process takes but a few minutes. By adding the language DP&L proposes, the party presenting the testimony can mark as an exhibit and move to admit the prefiled testimony into evidence without the need for the witness to actually appear at the hearing in the limited case of an unopposed stipulation. This will streamline the hearing process in routine matters, while still leaving open the possibility for the hearing examiner to order the attendance of the witness at the hearing in the event any party or the hearing examiner seeks to question the witness.

### III. CONCLUSION

DP&L is grateful for the opportunity to comment on the proposed rules and urges the Commission to adopt the proposal set forth in these Comments.

Respectfully submitted,



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Summary: Comments of The Dayton Power and Light Company electronically filed by Mrs. Angela N. Hogan on behalf of The Dayton Power and Light Company