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**Via E-File**

April 12, 2012

Public Utilities Commission of Ohio  
PUCO Docketing  
180 E. Broad Street, 10th Floor  
Columbus, Ohio 43215

**In re: Case Nos. 12-426-EL-SSO, 12-427-EL-ATA, 12-428-EL-AAM, 12-429-EL-WVR,  
12-672-EL-RDR**

Dear Sir/Madam:

Please find attached the MOTION TO MODIFY PROCEDURAL SCHEDULE OF OHIO ENERGY GROUP, STAFF OF THE PUBLIC UTILITIES COMMISSION OF OHIO, FIRSTENERGY SOLUTIONS CORP., DUKE ENERGY RETAIL SALES, L.L.C., DUKE ENERGY COMMERCIAL ASSET MANAGEMENT, INC., THE OHIO HOSPITALS ASSOCIATION, AND HONDA OF AMERICA MFG, INC. for filing in the above-referenced matter.

Copies have been served on all parties on the attached certificate of service. Please place this document of file.

Respectfully yours,

A handwritten signature in blue ink that reads "David F. Boehm". The signature is stylized with a large "D" and a cursive "Boehm".

David F. Boehm, Esq.  
Michael L. Kurtz, Esq.

**BOEHM, KURTZ & LOWRY**

MLKkew  
Encl.

Cc: Certificate of Service

**BEFORE THE  
PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Dayton Power And Light Company For Approval of its Market Rate Offer	:	Case No. 12-426-EL-SSO
	:	
In the Matter of the Application of Dayton Power And Light Company For Approval of Revised Tariffs	:	Case No. 12-427-EL-ATA
	:	
In the Matter of the Application of Dayton Power And Light Company For Approval of Certain Accounting Authority	:	Case No. 12-428-EL-AAM
	:	
In the Matter of the Application of Dayton Power And Light Company For Waiver of Certain Commission Rules	:	Case No. 12-429-EL-WVR
	:	
In the Matter of the Application of Dayton Power And Light Company to Establish Tariff Riders	:	Case No. 12-672-EL-RDR
	:	

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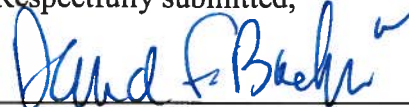
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**MOTION TO MODIFY PROCEDURAL SCHEDULE  
OF JOINT MOVANTS**

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Pursuant to Ohio Admin. Code §4901-1-12, Joint Movants<sup>1</sup> hereby request that the Public Utilities Commission of Ohio (“Commission”) modify the procedural schedule in this case as discussed below. The reasons supporting this Motion are discussed in the attached memorandum in support.

Respectfully submitted,



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**COUNSEL FOR OHIO ENERGY GROUP**

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<sup>1</sup>Joint Movants supporting this Motion are Ohio Energy Group, Staff of the Public Utilities Commission of Ohio, FirstEnergy Solutions Corp., Duke Energy Retail Sales, L.L.C., Duke Energy Commercial Asset Management, Inc., the Ohio Hospitals Association, and Honda of America Mfg, Inc.. While not actively supporting this Motion, the Office of the Ohio Consumers’ Counsel, Industrial Energy Users-Ohio, OMA Energy Group, and Duke Energy Ohio, Inc. have indicated that they do not oppose the Motion.

/s/ Devin Parram

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**BEFORE THE  
PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Dayton Power And Light Company For Approval of its Market Rate Offer	:	Case No. 12-426-EL-SSO
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In the Matter of the Application of Dayton Power And Light Company to Establish Tariff Riders	:	Case No. 12-672-EL-RDR
	:	

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**MEMORANDUM IN SUPPORT OF  
MOTION TO MODIFY PROCEDURAL SCHEDULE  
OF JOINT MOVANTS**

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The Commission should adopt the procedural schedule initially requested by Dayton Power & Light Company (“DP&L”) in this proceeding. DP&L’s proposed schedule eases the burden on intervenors who are currently participating in several critical proceedings at the Commission while also allowing the Commission adequate time to make the determinations required under R.C. 4928.142 within the requisite ninety day period.

The current procedural schedule established in this case is:

- Deadline for Staff comments – April 20, 2012
- Deadline to intervene – April 20, 2012
- Prehearing conference – April 23, 2012
- Deadline to file testimony for intervenors – April 26, 2012
- Hearing – May 8, 2012<sup>2</sup>

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<sup>2</sup> Entry (April 2, 2012).

Under the procedural schedule requested by DP&L in its Application, the Commission would establish the following deadlines in addition to the current April 20, 2012 deadline for Staff Comments:

- Deadline to serve written discovery requests – April 27, 2012
- Deadline to intervene – May 4, 2012
- Deadline to file testimony for intervenors – May 9, 2012
- Hearing – May 21, 2012
- Deadline for PUCO determination under portions of R.C. 4928.142 – June 28, 2012<sup>3</sup>

The adoption of DP&L's proposed schedule eases the burden on intervenors in this proceeding who are also currently involved in several other critical cases at the Commission. For example, a hearing in the AEP capacity compensation case is scheduled for April 17, 2012 and could proceed for a week or more.<sup>4</sup> Additionally, the procedural schedule in the AEP modified Electric Security Plan case currently includes the following deadlines:

- Deadline for Staff and intervenor testimony - May 4, 2012
- Procedural conference – May 7, 2012
- Hearing – May 14, 2012<sup>5</sup>

The significant overlap between the procedural schedules currently established in these cases places a substantial burden on intervenors who seek to present fully-developed positions in each of these proceedings. The adoption of DP&L's proposed procedural schedule eases some of this burden. And an extended procedural schedule provides additional time for settlement discussions. Further, although R.C. 4928.142(B)(3) requires a Commission decision on whether DP&L's Application meets certain statutory requirements within ninety days after that Application was filed, DP&L's proposed schedule still provides the Commission adequate time to make the required determinations by the June 28, 2012 deadline. As indicated by the number of intervenors who either explicitly support or do not oppose this Motion, extending the procedural schedule in the manner requested is reasonable in light of current

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<sup>3</sup> DP&L Application, Book I at 13-14. Joint Movants have intentionally excluded DP&L's proposed deadline for Staff testimony, which can be resolved at a later date.

<sup>4</sup> Entry, Case No. 10-2929-EL-UNC (March 23, 2012).

<sup>5</sup> Entry, Case Nos. 11-346-EL-SSO et al (April 11, 2012).

circumstances. Accordingly, the Commission should modify the procedural schedule to establish the schedule initially requested by DP&L in its Application in this case.

Respectfully submitted,



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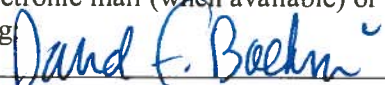
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## CERTIFICATE OF SERVICE

I hereby certify that true copy of the foregoing was served by electronic mail (when available) or ordinary mail, unless otherwise noted, this 13<sup>TH</sup> day of April, 2012 to the following:

  
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Summary: Motion Motion to Modify Procedural Schedule of Ohio Energy Group, Staff of the Public Utilities Commission of Ohio, FirstEnergy Solutions Corp., Duke Energy Retail Sales, L.L.C., Duke Energy Commercial Asset Management, Inc., the Ohio Hospitals Association, and Honda of America Mfg, Inc. electronically filed by Mr. David F. Boehm on behalf of Ohio Energy Group