

Large Filing Separator Sheet

Case Number: 12-426-EL-SSO
12-427-EL-ATA
12-428-EL-AAM
12-429-EL-WVR
12-672-EL-RDR

File Date: 12/18/2012

Section: 2 of 2

Number of Pages: 31

Description of Document: Motion
and Memorandum in Support

ESP INT. 1-31. Identify any documents that describe or discuss the Commission's view that a non-bypassable charge designed to maintain a utility's financial integrity cannot be authorized except in the context of an ESP.

RESPONSE: General Objections Nos. 1 (relevance), 2 (unduly burdensome), and 9 (vague or undefined); in addition, this interrogatory calls for a legal conclusion. DP&L further objects because the request calls for attorney work product.

WITNESS RESPONSIBLE: None

ESP INT. 1-32. Identify any documents that describe or discuss the pricing of generation supply procured by DP&L to meet its SSO generation supply obligations under Section 4928.141, Revised Code, or show the average price per kWh as between DP&L's generation business segment and DP&L's EDU business segment.

RESPONSE: General Objections Nos. 2 (unduly burdensome), 3 (privileged and work product), and 4 (proprietary). Subject to all general objections, DP&L states that it does not have responsive documents. The pricing of the generation portion of SSO service is discussed in the Rate Blending Plan that was filed in Book I of this filing.

WITNESS RESPONSIBLE: Dona Seger-Lawson

ESP INT. 1-33. Identify any documents associated with the establishment of the market-based price that is, pursuant to the ESP I settlement, available to aggregation customers returning to SSO supply where the aggregation program has elected the option provided in the ESP I settlement.

RESPONSE: General Objections Nos. 2 (unduly burdensome), 3 (privileged and work product), and 4 (proprietary). Subject to all general objections, DP&L states that it does not possess responsive documents. Further, DP&L states the Company filed a market based rate option in PUCO Case No. 10-826-EL-ATA.

WITNESS RESPONSIBLE: Dona Seger-Lawson

ESP INT. 1-34. Identify any documents that describe or discuss a competitive bidding process undertaken or other price discovery tool employed by DP&L or DPLER for purposes of establishing the price for the generation supply to meet the requirements of DPLER's retail customers.

RESPONSE: General Objections Nos. 1 (relevance), 2 (unduly burdensome), 3 (privileged and work product), and 4 (proprietary). DP&L further objects because DPLER is not a party to this case and is not subject to discovery. Subject to all objections, DP&L will produce copies of the agreements between it and DPLER, with irrelevant and highly confidential pricing and related data redacted.

WITNESS RESPONSIBLE: None

ESP INT. 1-35. Identify any documents that describe or discuss the means by which DPLER's resource adequacy or capacity obligation stemming from its status as a load serving entity is satisfied.

RESPONSE: General Objections Nos. 1 (relevance), 2 (unduly burdensome), 3 (privileged and work product), and 4 (proprietary). DP&L further objects because DPLER is not a party to this case and is not subject to discovery. Subject to all objections, DP&L will produce copies of the agreements between it and DPLER, with irrelevant and highly confidential pricing and related data redacted.

WITNESS RESPONSIBLE: None

ESP INT. 1-36. Of the communities in DP&L's distribution service area that have enacted legislation authorizing electric aggregation programs, how many aggregation programs have elected the market-based price SSO option?

RESPONSE: Subject to all general objections, DP&L states that zero aggregation programs have elected the market-based price SSO option.

PERSON RESPONSIBLE: John Hemmert

ESP INT. 1-37. Identify any documents that describe or discuss any impairment analysis associated with or related to the generation assets owned or controlled by DP&L pursuant to Accounting Standards Codification 980 ("ASC").

RESPONSE: General Objections Nos. 1 (relevance), 2 (unduly burdensome), 3 (privileged and work product), and 4 (proprietary). Subject to all general objections, DP&L states that that it issued an SEC Form 8k on November 1, 2012. The 8k provided details related to DP&L's generation plant impairment analysis. A copy of the 8k is being produced.

WITNESS RESPONSIBLE: Craig Jackson

ESP INT. 1-38. Identify any documents that describe or discuss the contribution to earnings per share, margin or net income that is attributed to the non-bypassable charges for which DP&L is seeking approval in its October 5, 2012 application for approval of an ESP.

RESPONSE: General Objections Nos. 1 (relevance), 2 (unduly burdensome), 3 (privileged and work product), 4 (proprietary), and 10 (possession of DP&L's unregulated affiliate). Subject to all general objections, DP&L states that the Service Stability Rider contributes \$137.5 million towards gross margin and operating income annually from 2013 through 2017. This is shown on Exhibit CLJ-1, line 3. Assuming a 35.8% effective income tax rate, this would equate to approximately \$88 million of net income.

WITNESS RESPONSIBLE: Craig Jackson

ESP INT. 1-39. Which, if any, of the proposed non-bypassable charges identified in the application for approval of an ESP filed on October 5, 2012 are charges that are designed to provide compensation for generation-related service?

RESPONSE: Subject to all general objections, DP&L states that the Reconciliation Rider may be recovering some generation-related costs if or when the FUEL, RPM, TCRR-B, AER or CBT exceed 10% or when the FUEL, RPM, and TCRR-B riders are phased out at the time DP&L's SSO is procured 100% through competitive bid. DP&L's Service Stability Rider ("SSR") is designed to ensure DP&L's financial integrity, and therefore may provide compensation for generation costs. DP&L's proposed AER-N is designed to recover the revenue requirements associated with renewable energy and therefore is compensation for generation related costs. DP&L's switching tracker would defer costs associated with the difference between the Blended SSO price and the CB rider and therefore may be compensating DP&L for generation related costs.

WITNESS RESPONSIBLE: Dona Seger-Lawson

ESP INT. 1-40. Identify any documents that describe or discuss offers made to DPL or DP&L to supply, on a firm basis, the requirements sufficient to meet the competitive retail service needs of SSO customers.

RESPONSE: General Objections Nos. 1 (relevance), 2 (unduly burdensome), 3 (privileged and work product), 4 (proprietary), and 10 (possession of DP&L's unregulated affiliate). DP&L further objects because DPL is not a party to this proceeding and is not subject to discovery. Subject to all general objections, DP&L states that there are no such documents.

WITNESS RESPONSIBLE: Teresa Marrinan

ESP INT. 1-41. Identify any documents that describe or discuss the winning bid price that is providing DP&L with compensation for providing full service requirements for a portion of Duke Energy's Ohio's SSO load.

RESPONSE: General Objections Nos. 1 (relevance), 2 (unduly burdensome), 3 (privileged and work product), 4 (proprietary), and 7 (not in DP&L's possession). Subject to all general objections, DP&L states that this is publicly available in the updated Auction Manager Report filed on January 5, 2012 in PUCO case 11-6000-EL-UNC.

WITNESS RESPONSIBLE: Teresa Marrinan

ESP INT. 1-42. Identify any documents that describe or discuss the effect of the non-bypassable charge proposal made by Duke Energy Ohio in PUCO Case Nos. 12-2400-EL-UNC, *et al.*, which claim that the proposal could harm DP&L because the proposal may have a negative impact on the health of the competitive markets both within Duke Energy's Ohio's territory and throughout the state.

RESPONSE: General Objections Nos. 1 (relevance), 2 (unduly burdensome), 3 (privileged and work product), 4 (proprietary), and 7 (not in DP&L's possession). Subject to all general objections, DP&L states: See the "Motion to Intervene and Memorandum in Support" filed in PUCO Case No. 12-2400-EL-UNC on 10/15/2012.

WITNESS RESPONSIBLE: Teresa Marrinan

ESP INT. 1-43. Identify any documents that discuss or describe DP&L's or DPL's financial integrity as it relates to the establishment of a successor SSO either under an ESP or Market Rate Offer option.

RESPONSE: General Objections Nos. 2 (unduly burdensome), 3 (privileged and work product), 4 (proprietary), 9 (vague or undefined), 10 (possession of DP&L's unregulated affiliate); in addition, this interrogatory calls for a legal conclusion. DP&L further objects because DPL is not a party to this case and is not subject to discovery. Subject to all general objections, DP&L states that the discussion of financial integrity is included in Witness Chambers' and Witness Jackson's testimonies and related exhibits, schedules, and workpapers.

WITNESS RESPONSIBLE: Craig Jackson

ESP INT. 1-44. If your answer to any of the requests for admission below is anything other than an unqualified admission, explain the basis for your answer.

RESPONSE: DP&L incorporates its objections to Requests for Admissions 1-1 through 1-29; General Objections Nos. 2 (unduly burdensome) and 6 (calls for narrative answer). DP&L further incorporates its objections and responses to those requests for admissions.

WITNESS RESPONSIBLE: None

ESP INT. 1-45. Does DP&L maintain separate ledgers for generation service, transmission service, and distribution service?

RESPONSE: General Objections Nos. 1 (relevance), 3 (privileged and work product), and 4 (proprietary). Subject to all general objections, DP&L states that DP&L maintains ledgers for Unit 02 (Transmission and Distribution) and Unit 06 (Generation). The financial results of these two units are not exact and are merely a rough approximation.

WITNESS RESPONSIBLE: Craig Jackson

RESPONSES TO REQUESTS FOR PRODUCTION OF DOCUMENTS

ESP RPD 1-1. Produce all documents identified in the response to each Interrogatory above.

RESPONSE: DP&L incorporates its objections to Interrogatories 1-1 through 1-45; General Objections Nos. 2 (unduly burdensome), 3 (privileged and work product), 4 (proprietary), and 7 (not in DP&L's possession). Subject to all general objections, DP&L states that it will produce responsive unprivileged documents.

ESP RPD 1-2. Produce an electronic version of witness Jackson's confidential exhibits and supporting workpapers, in Microsoft Excel format and with formulas intact.

RESPONSE: General Objection No. 4 (proprietary). DP&L states that it will produce responsive unprivileged documents, subject to a Stipulated Protective Agreement.

ESP RPD 1-3. If not included in your response to ESP RPD 1-2, provide supporting calculations and workpapers for the 2012 ROE figure provided on Exhibit CLJ-1.

RESPONSE: General Objection No. 4 (proprietary). DP&L states that it will produce responsive unprivileged documents, subject to a Stipulated Protective Agreement.

ESP RPD 1-4. Produce all discovery requests received by DP&L from any other party in this proceeding, including formal and informal data requests received from Commission Staff, and answers to all discovery and data requests.

RESPONSE: DP&L incorporates all of its objections to all of the other discovery requests. Subject to all general objections, DP&L states that it will produce responsive unprivileged documents.

RESPONSES TO REQUESTS FOR ADMISSION

ESP RFA 1-1. Admit that DPL is a holding company and parent of DP&L and other subsidiaries.

RESPONSE: General Objections No. 1 (relevance). DP&L further objects because DPL is not a party to this case and is not subject to discovery. Subject to all general objections, DP&L admits.

ESP RFA 1-2. Admit that DPL's cash flow is dependent on the operating cash flows of DP&L and its other subsidiaries and their ability to pay cash to DPL.

RESPONSE: General Objections Nos. 1 (relevance) and 10 (possession of DP&L's unregulated affiliate). DP&L further objects because DPL is not a party to this case and is not subject to discovery. Subject to all general objections, DP&L admits that DPL's cash flow is dependant, at least in part, on those items.

ESP RFA 1-3. Admit that all of the outstanding common stock of DPL is owned indirectly by AES and directly by an AES wholly-owned subsidiary.

RESPONSE: General Objections Nos. 1 (relevance) and 10 (possession of DP&L's unregulated affiliate). DP&L further objects because DPL and AES are not parties to this case and are not subject to discovery. Subject to all general objections, DP&L admits.

ESP RFA 1-4. Admit that DPL is not listed for trading on any stock exchange.

RESPONSE: General Objections Nos. 1 (relevance) and 10 (possession of DP&L's unregulated affiliate). DP&L further objects because DPL is not a party to this case and is not subject to discovery. Subject to all general objections, DP&L admits.

ESP RFA 1-5. Admit that as a result of the AES-DPL merger, including the assumption of merger-related debt, DPL and DP&L were downgraded by all three major credit rating agencies

RESPONSE: General Objections Nos. 1 (relevance) and 10 (possession of DP&L's unregulated affiliate). DP&L further objects because DPL is not a party to this case and is not subject to discovery. Subject to all general objections, DP&L admits.

ESP RFA 1-6. Admit that as a result of the AES-DPL merger DPL and DPLER have represented that they expect their cost of capital to increase.

RESPONSE: General Objections Nos. 1 (relevance) and 10 (possession of DP&L's unregulated affiliate). DP&L further objects because DPL and DPLER are not parties to this case and are not subject to discovery.

ESP RFA 1-7. Admit that DP&L's common stock is held solely by DPL.

RESPONSE: General Objections No. 1 (relevance). DP&L further objects because DPL is not a party to this case and is not subject to discovery. Subject to all general objections, DP&L admits.

ESP RFA 1-8. Admit that DP&L is not listed for trading on any stock exchange.

RESPONSE: General Objections No. 1 (relevance). Subject to all general objections, DP&L admits.

ESP RFA 1-9. Admit that as of December 31, 2011, there were 14 competitive retail electric service ("CRES") providers in DP&L's Ohio distribution service area and that DPLER, owned by DP&L, was one of the 14.

RESPONSE: General Objections No. 7 (not in DP&L's possession). Subject to all general objections, DP&L admits.

ESP RFA 1-10. Admit that during 2011, DPLER accounted for approximately 5,731 million kWh of the total 6,593 million kWh supplied by CRES providers within DP&L's service territory.

RESPONSE: General Objections Nos. 7 (not in DP&L's possession) and 10 (possession of DP&L's unregulated affiliate). Subject to all general objections, DP&L admits.

ESP RFA 1-11. Admit that in 2011 the kWh volume supplied by DPLER to retail customers in DP&L's distribution service area represented approximately 41% of DP&L's total distribution volume.

RESPONSE: General Objections No. 10 (possession of DP&L's unregulated affiliate). Subject to all general objections, DP&L admits.

ESP RFA 1-12. Admit that in 2010, DPLER began providing CRES services to business customers located outside DP&L's distribution service area.

RESPONSE: General Objections Nos. 1 (relevance) and 10 (possession of DP&L's unregulated affiliate). DP&L further objects because DPLER is not a party to this case and is not subject to discovery.

ESP RFA 1-13. Admit that DPL is a regional electric energy and utility company.

RESPONSE: General Objections Nos. 1 (relevance), 9 (vague or undefined), and 10 (possession of DP&L's unregulated affiliate). DP&L further objects because DPL is not a party to this case and is not subject to discovery. DP&L further objects because the terms "regional

electric energy" and "utility company" are undefined and subject to varying meanings. Subject to all general objections, DP&L denies because it is not sure what the terms "regional electric energy" and "utility company" mean.

ESP RFA 1-14. Admit that DPL has two reporting segments: the Utility segment comprised of its DP&L subsidiary, and the Competitive Retail segment, comprised of its DPLER subsidiary and DPLER's subsidiary, MC Squared, LLC.

RESPONSE: General Objections Nos. 1 (relevance) and 10 (possession of DP&L's unregulated affiliate). DP&L further objects because DPL is not a party to this case and is not subject to discovery. Subject to all general objections, DP&L admits that it has two reportable business segments included in its quarterly and annual reports to the SEC, the Utility segment and the Competitive Retail segment.

ESP RFA 1-15. Admit that in 2011 and previously, the electric energy used to meet the sales obligations of DPL's Competitive Retail segment, was purchased from DP&L and PJM Interconnection LLC ("PJM").

RESPONSE: General Objections Nos. 1 (relevance) and 10 (possession of DP&L's unregulated affiliate). DP&L further objects because DPL is not a party to this case and is not subject to discovery. Subject to all general objections, DP&L admits that electric energy to meet sales obligations for DPL's Competitive Retail segment was purchased from DP&L and/or PJM.

ESP RFA 1-16. Admit that the copy of a September 20, 2012 presentation, attached as Attachment 1-17, is an accurate copy and that the presentation was given on September 20, 2012 by AES.

RESPONSE: DP&L objects because AES is not a party to this case and is not subject to discovery.

ESP RFA 1-17. Admit that the ROEs presented in the application and testimony are based on total company net income and common equity balances.

RESPONSE: Subject to all general objections, DP&L admits the ROEs presented in the application and testimony are based on total DP&L net income and common equity balances.

ESP RFA 1-18. Admit that since January 2001, DP&L's retail electric customers have been permitted to choose their retail electric supplier.

RESPONSE: Subject to all general objections, DP&L admits.

ESP RFA 1-19. Admit that the financial integrity objective identified in the application and discussed in the testimony is a total company objective.

RESPONSE: General Objections No. 9 (vague or undefined). Subject to all general objections, DP&L admits that the ROEs portrayed in the application and testimony reflect the financial performance of DP&L, which includes its regulated operations and wholesale transactions. DP&L denies that the ROEs portrayed in the application and testimony include MC Squared or DPLER's profitability.

ESP RFA 1-20. Admit that the total company ROEs portrayed in the application and testimony reflect financial performance across all lines of DP&L's retail, wholesale, regulated and unregulated business activity, including but not limited to the business activity of DPLER and MC Squared.

RESPONSE: General Objections No. 10 (possession of DP&L's unregulated affiliate). Subject to all general objections, DP&L admits that the ROEs portrayed in the application and testimony reflect the financial performance of DP&L, which includes its regulated operations

and wholesale transactions. DP&L denies that the ROEs portrayed in the application and testimony include MC Squared or DPLER's profitability.

ESP RFA 1-21. Admit that during 2010, a new wholesale agreement was established between DP&L and DPLER.

RESPONSE: General Objections No. 1 (relevance) and 10 (possession of DP&L's unregulated affiliate). Subject to all general objections, DP&L states see response to INT 1-29.

ESP RFA 1-22. Admit that the new 2010 wholesale agreement between DP&L and DPLER calls for intercompany sales to be based on market prices for wholesale power.

RESPONSE: General Objections Nos. 1 (relevance), 4 (proprietary), and 10 (possession of DP&L's unregulated affiliate). Subject to all general objections, DP&L states see response to INT 1-29.

ESP RFA 1-23. Admit that in 2011 all power produced at DPL and DP&L generating plants is sold to a regional transmission organization ("RTO") and, in turn, purchased back from the RTO to supply customers and that these power sales and purchases are reported on a net hourly basis as revenues or purchased power on statements reflecting the results of operations.

RESPONSE: General Objections No. 10 (possession of DP&L's unregulated affiliate). DP&L further objects because DPL is not a party to this case and is not subject to discovery. Subject to all general objections, DP&L admits that all power produced at DPL and DP&L generating plants is sold to an RTO. DP&L also admits that all power supply requirements it has as a Load Serving Entity (LSE) in PJM are purchased from the RTO.

ESP RFA 1-24. Admit that approximately 17% of DPL's and 35% of DP&L's electric revenues for the year ended December 31, 2011, were from sales of excess energy and capacity in the wholesale market and that DP&L's electric revenues in the wholesale market were reduced for sales to DPLER.

RESPONSE: General Objections Nos. 1 (relevance) and 10 (possession of DP&L's unregulated affiliate). DP&L further objects because DPL is not a party to this case and is not subject to discovery. Subject to all general objections, DP&L admits.

ESP RFA 1-25. Admit that DPL or DP&L sells energy in excess of the needs of retail customers in the wholesale market when there are opportunities to do so that provide a positive margin.

RESPONSE: General Objections Nos. 1 (relevance) and 10 (possession of DP&L's unregulated affiliate). DP&L further objects because DPL is not a party to this case and is not subject to discovery. Subject to all general objections, DP&L admits that all power produced at DPL and DP&L generating plants is sold to an RTO. DP&L also admits that all power supply requirements it has as a Load Serving Entity (LSE) in PJM are purchased from the RTO.

ESP RFA 1-26. Admit that DP&L was a winning bidder in the SSO auction conducted by Duke Energy Ohio.

RESPONSE: General Objections Nos. 1 (relevance), 4 (proprietary), and 7 (not in DP&L's possession). Subject to all general objections, DP&L admits it was a winning bidder in the SSO auction conducted by Duke Energy Ohio.

ESP RFA 1-27. Admit that DP&L is currently providing full service requirements for a portion of Duke Energy Ohio's SSO load.

RESPONSE: General Objections Nos. 1 (relevance), 4 (proprietary), and 7 (not in DP&L's possession). Subject to all general objections, DP&L that it is providing service per the

SSO Master Agreement filed in PUCO case 11-6000-EL-UNC for the portion of Duke Energy Ohio's SSO load that DP&L is obligated to serve as a winning bidder in the SSO auction conducted by Duke Energy Ohio.

ESP RFA 1-28. Admit that DPLER's compensation for providing competitive retail electric service in DP&L's distribution service territory is based on market-based prices.

RESPONSE: General Objections Nos. 1 (relevance), 4 (proprietary), and 10 (possession of DP&L's unregulated affiliate). DP&L further objects because DPLER is not a party to this case and is not subject to discovery.

ESP RFA 1-29. Admit that as a result of the Commission's final approval of DP&L's transition plan, which provided for a three-year transition period ending December 31, 2003, that DP&L discontinued the application of FASB Statement of Financial Accounting Standard No. 71, "Accounting for the Effects of Certain Types of Regulation" (SFAS No. 71) for generation-related assets in 2001.

RESPONSE: General Objections No. 1 (relevance). Subject to all general objections, DP&L denies.

Respectfully submitted,

s/ Judi L. Sobecki

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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Amended Objections and Responses of The Dayton Power and Light Company to Industrial Energy Users-Ohio's Industrial Energy Users-Ohio's Interrogatories, Request for Production of Documents, and Requests for Admission Upon Dayton Power and Light Company, ESP First Set, October 23, 2012, has been served via electronic mail upon the following counsel of record, this 18th day of December, 2012:

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