

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Commission's)
Review of Chapter 4901:1-10, Ohio)
Administrative Code, Regarding) Case No. 12-2050-EL-ORD
Electric Companies.)

FINDING AND ORDER

The Commission finds:

- (1) The Dayton Power and Light Company (DP&L), is a public utility as defined in R.C. 4928.02, and, as such, is subject to the jurisdiction of this Commission.
- (2) On May 19, 2014, the Commission final filed with the Joint Committee on Agency Rule Review (JCARR) an amended rule in Ohio Adm.Code 4901:1-10-05, with an effective date of May 29, 2014, requiring electric utilities to file an advanced meter opt-out service tariff within 30 days of the effective date of the rule.
- (3) On June 27, 2014, DP&L filed a notice of intent to file a tariff to comply with Ohio Adm.Code 4901:1-10-05 upon implementation of an advanced metering infrastructure plan. DP&L argues that it does not currently have an approved advanced metering plan, so there would be no benefit for DP&L customers in implementing an advance metering opt-out service.
- (4) Initially, the Commission finds that DP&L's notice should be construed as a motion for waiver of Ohio Adm.Code 4901:1-10-05(J)(5). The Commission finds that such waiver should be denied. We find that DP&L should maintain on file with the Commission an approved tariff offering residential customers the option to remove an installed advanced meter and the option to decline the future installation of an advanced meter. While we recognize that DP&L does not currently have any advanced meters installed, the rule contemplates the opportunity for customers to decline the installation of an advanced meter if one is proposed to be installed in the future. Therefore, DP&L should maintain a tariff on file with the Commission that contains terms and

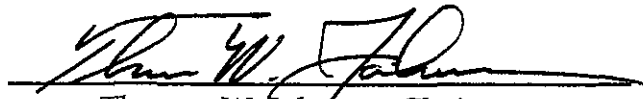
conditions that indicate the consumer protections that are provided for in Ohio Adm.Code 4901:1-10-05. Accordingly, we direct DP&L to file a proposed tariff for opt-out service within thirty days of the date of this Order.

It is, therefore,

ORDERED, That DP&L's application for waiver of Ohio Adm.Code 4901:1-10-05 is denied, in accordance with Finding (4). 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


Thomas W. Johnson, Chairman


Steven D. Lesser


Lynn Slaby


M. Beth Trombold


Asim Z. Haque

BAM/sc

Entered in the Journal

AUG 20 2014



Barcy F. McNeal
Secretary