

Before
THE SUPREME COURT OF OHIO

Industrial Energy Users-Ohio

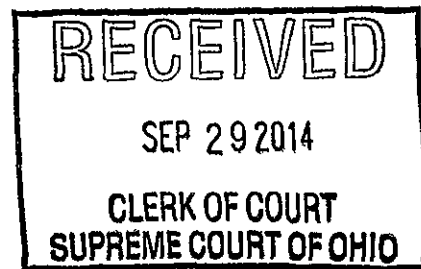
Appellant,

VS

The Public Utilities Commission of Ohio

Appellee.

Supreme Court No. 14-1505



Being Before
THE PUBLIC UTILITIES COMMISSION OF OHIO

In the matter of the application of The
Dayton Power and Light Company for
approval of its Electric Security Plan.

Case No. 12-426-EL-SSO

In the matter of the application of The
Dayton Power and Light Company for approval
Of revised tariffs.

Case No. 12-427-EL-ATA

In the matter of the application of The
Dayton Power and Light Company for
Approval for certain accounting authority.

Case No. 12-428-EL-AAM

In the matter of the application of The
Dayton Power and Light Company for
Waiver of certain Commission rules.

Case No. 12-429-EL-WVR

In the matter of the application of The
Dayton Power and Light Company to establish
Tariff riders.

Case No. 12-672-EL-RDR

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<u>2/8/2013</u>	Correspondence in support DP&L rate increase filed by Mike Grauwelman on behalf of Mound Development Corp.	Corres.
<u>2/8/2013</u>	Correspondence in support DP&L rate increase filed by Jeffrey C. Hoagland on behalf of Dayton Development Coalition.	Corres.
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<u>3/20/2013</u>	Memorandum of The Dayton Power and Light Company on Evidentiary Question electronically filed by Mr. Jeffrey S. Sharkey on behalf of The Dayton Power and Light Company.	228
<u>3/22/2013</u>	Confidential target: Confidential proceedings before Greg Price and Bryce Mckenney at the Public Utilities Commission of Ohio at 10 am on Thursday, March 7, 2013 filed by Staff on behalf of The Dayton Power and Light Company, The Industrial Energy Users of Ohio, Residential customers of The Dayton Power and Light Company, Solarvision LLC, FirstEnergy Service Corporation, Duke Energy Retail Sales LLC and Duke Energy Commercial Asset Management Inc. (50 pgs)	Conf.
<u>3/22/2013</u>	Public comment stating that DP&L has been a good partner to the Chamber and the community for many years and the Chamber is looking forward to the future filed by P.Benedetti, President/CEO, Logan County Area Chamber of Commerce.	Corres.

<u>3/22/2013</u>	<p>Transcript of The Dayton Power and Light Company hearing held before Mr. Gregory Price and Mr. Bryce McKenney, Hearing, Examiners, on 03/07/13 at 180 East Broad Street, Room 11-A Columbus, Ohio electronically filed by Mrs. Jennifer Duffer on behalf of Armstrong & Okey, Inc. and Anderson, Rosemary Foster Mrs.</p>	Trans.
<u>3/26/2013</u>	<p>Testimony Electric Security Plan (ESP) Rebuttal Testimony of Dona R. Seger-Lawson electronically filed by Mr. Jeffrey S Sharkey on behalf of The Dayton Power and Light Company.</p>	229
<u>3/27/2013</u>	<p>Motion of FirstEnergy Solutions Corp., Industrial Energy Users-Ohio, Interstate Gas Supply, Inc. D/B/A IGS Energy, The Ohio Energy Group, Solarvision, LLC, and The Office of The Ohio Consumers' Counsel to strike improper rebuttal testimony of Dona R. Seger-Lawson and Request for Expedited Ruling and Memorandum in Support electronically filed by Mr. James F Lang on behalf of FirstEnergy Solutions Corp.</p>	230
<u>3/28/2013</u>	<p>Confidential treatment of document: Electric Security Plan rebuttal testimony of Craig L. Jackson filed by Jeffrey S. Sharkey on behalf of Dayton Power & Light Company. (17 pages)</p>	Conf.
<u>3/28/2013</u>	<p>Confidential treatment of document: Electric Security Plan rebuttal and supplemental testimony of R. Jeffrey Malinak filed by Jeffrey S. Sharkey on behalf of Dayton Power & Light Company. (pg ct 38)</p>	Conf.
<u>3/28/2013</u>	<p>Electric Security Plan (ESP) Rebuttal Testimony of Craig L. Jackson (Redacted Version) electronically filed by Mr. Jeffrey S Sharkey on behalf of The Dayton Power and Light Company.</p>	231

<u>3/29/2013</u>	Testimony Electric Security Plan (ESP) Rebuttal and Supplemental Testimony of R. Jeffrey Malinak (Redacted Version) electronically filed by Mr. Jeffrey S Sharkey on behalf of The Dayton Power and Light Company.	232
<u>4/1/2013</u>	Confidential treatment of document: Hearing Transcript for proceedings held before G.A. Price and B. McKenney on 3/18/13; volume 1 filed by Armstrong & Okey, Inc on behalf of The Dayton Power and Light Company. (pg ct 125).	Conf.
<u>4/1/2013</u>	Transcript held before Mr. Gregory A. Price and Mr. Bryce A. McKenney, Hearing Examiners, at the Public Utilities Commission of Ohio, 180 East Broad Street, Room 11-A, Columbus, Ohio, called at 10:00 a.m. on Monday, March 18, 2013. - Volume I - Public Version electronically filed by Mrs. Jennifer Duffer on behalf of Armstrong & Okey, Inc. and Jones, Maria DiPaolo Mrs.	Trans.
<u>4/1/2013</u>	Confidential treatment of documents: PUCO exhibit filing FES exhibits 1, 2, 4 and 5 / FES exhibits 3,6, and 7 filed by FES on behalf of FES. (pg ct 1,2,4, & 5 - (77) / 3,6,&7 - (3)	Conf.
<u>4/1/2013</u>	Confidential treatment of documents: PUCO exhibit filing IEU- Ohio Exhibit 4 filed by IEU on behalf of IEU. (pg ct 5)	Conf.
<u>4/2/2013</u>	Confidential Treatment of document: Proceedings Volume I I - Confidential Held Before Mr, Gregory Price and Mr. Bryce McKenney, at the Public Utilities Commission of Ohio, J 80 East Broad st. 11-A, Columbus, Ohio Called at 9:00 a.m. on Tuesday March 19, 2013, filed by Maria DeiPaolo Jones on behalf of Armstrong & Okey, Inc. (pg ct 226)	Conf.

4/2/2013 Transcript of Dayton Power and Light Company hearing held before Mr. Gregory A. Price and Mr. Bryce A. McKenney, Hearing Examiners, at the Public Utilities Commission of Ohio, 180 East Broad Street, Room 11-A, Columbus, Ohio, called at 9:00 a.m. on Tuesday, March 19, 2013. - Volume II - Public Version electronically filed by Mrs. Jennifer Duffer on behalf of Armstrong & Okey, Inc. and Jones, Maria DiPaolo Mrs. Trans.

4/2/2013 Confidential treatment of documents: IEU -Ohio Exhibits 5, 6, 7, 8, 9, 10, 11 and 13 filed by Maria Deipaols Jones on behalf of Armstrong & Okey, Inc. (pg ct 73) Conf.

4/2/2013 PUCO exhibits filings FES Exhibit 10, IEU-Ohio Exhibit 12, OCC Exhibits 3, 4, and 5 filed by Maria DiPoals Jones on behalf of Armstrong & Okey, Inc. Exh.

4/3/2013 Confidential document target for proceedings before Gregory Price and Bryce McKenney on Wednesday, March 20, 2013 filed on behalf of Armstrong and Okey, Inc. by Maria DeiPaolo Jones. Conf.

4/3/2013 Confidential document target for OCC Exhibit 14 filed by M. DiPaolo Jones on behalf of Armstrong & Okey. (1) Conf.

4/3/2013 PUCO exhibits filings : OCC Exhibits 11, 13, and 14 filed by Maria DiPaolo Jones on behalf of Armstrong & Okey, Inc. Exh.

<u>4/3/2013</u>	Transcript of Dayton Power and Light Company hearing held before Mr. Gregory A. Price and Mr. Bryce A. McKenney, Hearing Examiners, at the Public Utilities Commission of Ohio, 180 East Broad Street, Room 11-A, Columbus, Ohio, called at 9:00 a.m. on Wednesday, March 20, 2013. - Volume III - Public Version electronically filed by Mrs. Jennifer Duffer on behalf of Armstrong & Okey, Inc. and Jones, Maria DiPaolo Mrs.	Trans.
<u>4/3/2013</u>	Public comment support DP&L rate increase filed by K. Cooper on behalf of Utility Workers Union of America Local 175.	Corres.
<u>4/4/2013</u>	Confidential treatment of document: Proceeding before Gregory Price and Bryce McKenney of Thursday, March 21, 2013 filed by Maria DiPaolo Jones on behalf of Armstrong & Okey Inc. (pg ct 175)	Conf.
<u>4/4/2013</u>	PUCO exhibit filing, (section 1 of 2).	Exh.
<u>4/4/2013</u>	PUCO exhibit filing, (section 2 of 2).	Exh.
<u>4/4/2013</u>	Transcript of The Dayton Power and Light Company hearing held before Mr. Gregory A. Price and Mr. Bryce A. McKenney, Hearing Examiners, at the Public Utilities Commission of Ohio, 180 East Broad Street, Room 11-C, Columbus, Ohio, called at 9:00 a.m. on Thursday, March 21, 2013. - Volume IV - Public Version electronically filed by Mrs. Jennifer Duffer on behalf of Armstrong & Okey, Inc. and Jones, Maria DiPaolo Mrs.	Trans.
<u>4/5/2013</u>	Confidential document target: Exhibit IEU-Ohio 27 filed by Maria DiPaolo Jones on behalf of Armstrong & Okey. (9 pages)	Conf.

<u>4/5/2013</u>	PUCO Exhibit filing.	Exh.
<u>4/5/2013</u>	Confidential document target for Proceeding held before Gregory Price and Bryce McKenney on Friday, March 22, 2013 filed by Maria DiPaolo Jones on behalf of Armstrong & Okey. (28 pages)	Conf.
<u>4/5/2013</u>	Transcript of The Dayton Power and Light Company hearing held on 03/22/13 - Volume V - Public Version before Mr. Gregory A. Price and Mr. Bryce A. McKenney, Hearing Examiners, at the Public Utilities Commission of Ohio, 180 East Broad Street, Room 11-C, Columbus, Ohio electronically filed by Mrs. Jennifer Duffer on behalf of Armstrong & Okey, Inc. and Jones, Maria DiPaolo Mrs.	Trans.
<u>4/8/2013</u>	Exhibits for transcript volume VI, for hearing held on 3/25/13 before Mr. Gregory A. Price and Mr. Bryce A. McKenney, Hearing Examiners. (Part 1 of 2)	Exh.
<u>4/8/2013</u>	Exhibits for transcript volume VI, for hearing held on 3/25/13 before Mr. Gregory A. Price and Mr. Bryce A. McKenney, Hearing Examiners. (Part 2 of 2)	Exh.
<u>4/8/2013</u>	Confidential document target for proceedings held before Gregory Price and Bryce McKenney on Monday, March 25, 2013, filed by Maria DiPaolo Jones on behalf of Armstrong & Okey. (21)	Conf.

4/8/2013 Transcript, Volume VI - Public Version, for hearing held before Mr. Gregory A. Price and Mr. Bryce A. McKenney, Hearing Examiners, at the Public Utilities Commission of Ohio, 180 East Broad Street, Room 11-C, Columbus, Ohio, on Monday, March 25, 2013 electronically filed by Mrs. Jennifer Duffer on behalf of Armstrong & Okey, Inc. and Jones, Maria DiPaolo Mrs. Trans.

4/9/2013 Transcript of The Dayton Power and Light Company hearing held on 03/26/13 at the Public Utilities Commission of Ohio 180 East Broad Street, Columbus Ohio 43215, room 11-C - Volume VII - Public Version electronically filed by Mrs. Jennifer Duffer on behalf of Armstrong & Okey, Inc. and Jones, Maria DiPaolo Mrs. Trans.

4/9/2013 Staff exhibit 9 filed by Armstrong & Okey, Inc. Exh.

4/9/2013 Confidential document target: Excerpts of transcript, Vol VII filed by Maria DiPaolo Jones on behalf of Armstrong & Okey Inc. (31 pages) Conf.

4/10/2013 OCC Exhibit 22 for transcript volume VIII, for hearing held on 3/27/13 before Mr. Gregory A. Price and Mr. Bryce A. McKenney, Hearing Examiners. Exh.

4/10/2013 Transcript of the Dayton Power and Light Company hearing held before Mr. Gregory A. Price and Mr. Bryce A. McKenney, Hearing Examiners, at the Public Utilities Commission of Ohio, 180 East Broad Street, Room 11-C, Columbus, Ohio, called at 9:00 a.m. on Wednesday, March 27, 2013.- Volume VIII electronically filed by Mrs. Jennifer Duffer on behalf of Armstrong & Okey, Inc. and Jones, Maria DiPaolo Mrs. Trans.

<u>4/10/2013</u>	Attorney Examiner Entry ordering that named persons may access and copy any part of the confidential portion of the transcript, including confidential exhibits. - electronically filed by Sandra Coffey on behalf of Bryce McKenney, Attorney Examiner, Public Utilities Commission of Ohio.	233
<u>4/11/2013</u>	Exhibits filings : OCC Exhibits 26 and 27, FES Exhibits 15 and 16, Staff Exhibit 12 filed by Maria DiPaolo Jones.	Exh.
<u>4/11/2013</u>	Transcript of The Dayton Power and Light Company hearing held before Mr. Gregory A. Price and Mr. Bryce A. McKenney, Hearing Examiners, at the Public Utilities Commission of Ohio, 180 East Broad Street, Room 11-C, Columbus, Ohio, called at 9:00 a.m. on Thursday, March 28, 2013. - Volume IX electronically filed by Mrs. Jennifer Duffer on behalf of Armstrong & Okey, Inc. and Jones, Maria DiPaolo Mrs.	Trans.
<u>4/12/2013</u>	Exhibits filings : OCC Exhibits 29, Edgemont Exhibits 1, City of Dayton Exhibit 2 filed by Maria DiPaolo Jones.	Exh.
<u>4/12/2013</u>	Confidential treatment of document: Proceedings before Gregory Price and Bryce McKenney on Monday, April 12, 2013 filed by Maria DiPaolo Jones on behalf of Armstrong & Okey Inc. (24 pages)	Conf.
<u>4/12/2013</u>	Transcript of The Dayton Power and Light Company hearing held before Mr. Gregory A. Price and Mr. Bryce A. McKenney, Hearing Examiners, at the Public Utilities Commission of Ohio, 180 East Broad Street, Room 11-C, Columbus, Ohio, called at 10:00 a.m. on Monday, April 1, 2013.-Volume X - Public Version electronically filed by Mrs. Jennifer Duffer on behalf of Armstrong & Okey, Inc. and Jones, Maria DiPaolo Mrs.	Trans.

<u>4/15/2013</u>	Confidential document target: Proceedings before G. Price and B. McKenney on Tuesday, April 2, 2013 filed by M.D. Jones on behalf of Armstrong & Okey, Inc. (85 +2 pages)	Conf.
<u>4/15/2013</u>	Transcript of The Dayton Power and Light Company hearing held before Mr. Gregory A. Price and Mr. Bryce A. McKenney, Hearing Examiners, at the Public Utilities Commission of Ohio, 180 East Broad Street, Room 11-C, Columbus, Ohio, called at 10:00 a.m. on Tuesday, April 2, 2013 on 04/02/13 - Volume XI - Public Version electronically filed by Mrs. Jennifer Duffer on behalf of Armstrong & Okey, Inc. and Jones, Maria DiPaolo Mrs.	Trans.
<u>4/17/2013</u>	Confidential document target: Proceedings for hearing held April 3, 2013, volume XII filed by Armstrong & Okey on behalf of Staff. (22 pages)	Conf.
<u>4/17/2013</u>	Attorney Examiner Entry orders post-hearing briefs filed by 05/20/2013 and reply briefs by 06/05/2013. - electronically filed by Sandra Coffey on behalf of Bryce McKenney, Attorney Examiner, Public Utilities Commission of Ohio.	234
<u>4/17/2013</u>	Transcript in the matter of The Dayton Power and Light Company hearing - Composite Index -Volumes I-XII electronically filed by Mrs. Jennifer Duffer on behalf of Armstrong & Okey, Inc. and Jones, Maria DiPaolo Mrs.	Trans.

<u>4/17/2013</u>	Transcript of hearing held on April 3, 2013 at the offices of the Commission, 180 E. Broad Street, Columbus Ohio 43215 in hearing room 11C; of The Dayton Power and Light Company - Volume XII - Public Version electronically filed by Mrs. Jennifer Duffer on behalf of Armstrong & Okey, Inc. and Jones, Maria DiPaolo Mrs.	Trans.
<u>5/20/2013</u>	Initial Brief of Industrial Energy Users-Ohio filed by Joseph E. Oliker on behalf of Industrial Energy Users-Ohio.	235
<u>5/20/2013</u>	Confidential treatment of document: Post-hearing brief filed by Mark Hayden on behalf of FirstEnergy Solutions Corp. (99 pages)	Conf.
<u>5/20/2013</u>	Motion for protective order and Memorandum in Support filed by Chris Thompson on behalf of Federal Executive Agencies.	236
<u>5/20/2013</u>	Motion for protective order and memorandum in support filed by Joseph E. Oliker on behalf of Industrial Energy User-Ohio.	237
<u>5/20/2013</u>	Confidential treatment of document: Post-Hearing Brief by OCC filed by Bruce J. Weston on behalf of Ohio Consumers' Counsel. (112 pages)	Conf.
<u>5/20/2013</u>	Post-Hearing Brief electronically filed by Mr. M. Anthony Long on behalf of Honda of America Mfg., Inc.	238
<u>5/20/2013</u>	Post Hearing Brief electronically filed by Mr. Christopher L. Miller on behalf of The City of Dayton, Ohio.	239
<u>5/20/2013</u>	Initial Post-Hearing Brief electronically filed by Mr. Gregory L. Williams on behalf of Interstate Gas Supply, Inc. d/b/a IGS Energy.	240

<u>5/20/2013</u>	Initial Brief of the Retail Energy Supply Association electronically filed by M HOWARD PETRICOFF on behalf of Retail Energy Supply Association.	241
<u>5/20/2013</u>	Post Hearing Brief of The OMA Energy Group electronically filed by Teresa Orahood on behalf of J. Thomas Siwo for OMA Energy Group.	242
<u>5/20/2013</u>	Post-Hearing Brief by the Office of the Ohio Consumers' Counsel, Public Version electronically filed by Ms. Deb J. Bingham on behalf of Yost, Melissa R. Ms.	243
<u>5/20/2013</u>	Post Hearing Brief of Wal-Mart Stores East, LP and Sam's East, Inc. electronically filed by Mr. Steven M. Sherman on behalf of Wal-Mart Stores East, LP and Sam's East, Inc.	244
<u>5/20/2013</u>	Initial Post-Hearing Brief electronically filed by M Howard Petricoff on behalf of Exelon Generation Company, LLC and Constellation NewEnergy, Inc.	245
<u>5/20/2013</u>	Motion for Protective Order electronically filed by Mr. Nathaniel Trevor Alexander on behalf of FirstEnergy Solutions Corp.	246
<u>5/20/2013</u>	Post-Hearing Brief of FirstEnergy Solutions Corp. electronically filed by Mr. Nathaniel Trevor Alexander on behalf of FirstEnergy Solutions Corp.	247
<u>5/20/2013</u>	Initial Brief of The Ohio Hospital Association electronically filed by Teresa Orahood on behalf of Thomas O'Brien.	248
<u>5/20/2013</u>	Initial Brief of The Kroger Co. electronically filed by Mark Yurick on behalf of The Kroger Company.	249
<u>5/20/2013</u>	Confidential treatment of Document: Initial post-hearing brief filed by Jeffrey S. Sharkey on behalf of The Dayton Power and Light Company. (pg ct 118).	Conf.

<u>5/20/2013</u>	Post-Hearing Brief of SolarVision, LLC electronically filed by Mrs. Kimberly W. Bojko on behalf of SolarVision, LLC.	250
<u>5/20/2013</u>	Post-Hearing Brief of Ohio Energy Group (OEG) electronically filed by Mr. David F. Boehm on behalf of Ohio Energy Group.	251
<u>5/20/2013</u>	Initial Post-Hearing Brief - Public Version of The Dayton Power and Light Company's electronically filed by Mr. Jeffrey S Sharkey on behalf of The Dayton Power and Light Company.	252
<u>5/20/2013</u>	Initial Brief electronically filed by MR CHRIS C THOMPSON on behalf of Federal Executive Agencies.	253
<u>5/20/2013</u>	Post-Hearing Brief submitted by Assistant Attorney General Thomas McNamee on behalf of the Staff of the Public Utilities Commission of Ohio. electronically filed by Kimberly L Keeton on behalf of Public Utilities Commission of Ohio.	254
<u>5/20/2013</u>	Motion to Take Administrative Notice or in the Alternative to Reopen this Proceeding or in the Alternative to Supplement the Record and Request for Expedited Treatment and Memorandum in Support of Industrial Energy Users-Ohio electronically filed by Mr. Joseph E. Olikier on behalf of Industrial Energy Users-Ohio.	255
<u>5/20/2013</u>	Confidential document target: Initial Brief/Industrial Energy Users-Ohio, filed by J. Olikier.(87 pages)	Conf.
<u>5/20/2013</u>	Confidential document target: Initial Brief/The Federal Agencies, filed by C. Thompson on behalf of Federal Executive Agencies. (18 pages)	Conf.
<u>5/20/2013</u>	Post Hearing Brief electronically filed by Colleen L Mooney on behalf of Ohio Partners for Affordable Energy and Edgemont Neighborhood Coalition.	256

<u>5/20/2013</u>	Motion for Protective Order and memorandum in support by the Office of the Ohio Consumers' Counsel electronically filed by Ms. Deb J. Bingham on behalf of Yost, Melissa R. Ms.	257
<u>5/23/2013</u>	Amended Post Hearing Brief of The OMA Energy Group electronically filed by Teresa Orahood on behalf of J. Thomas Siwo for OMA Energy Group.	258
<u>5/28/2013</u>	Memorandum of Applicant The Dayton Power and Light Company in Opposition to Industrial Energy Users-Ohio's Motion to Take Administrative Notice or in the Alternative to Reopen This Proceeding or in the Alternative to Supplement the Record and the Declaration of Craig L. Jackson in support electronically filed by Mr. Charles J. Faruki on behalf of The Dayton Power and Light Company.	259
<u>6/5/2013</u>	Reply Brief of Industrial Energy Users-Ohio (Public Version) filed by J. Olikar.	260
<u>6/5/2013</u>	Reply Brief electronically filed by Mrs. Gretchen L. Petrucci on behalf of Retail Energy Supply Association.	261
<u>6/5/2013</u>	Confidential document target: reply brief filed by J. Olikar on behalf of Industrial Energy Users-Ohio. (79 pages)	Conf.
<u>6/5/2013</u>	Reply Brief electronically filed by Mrs. Gretchen L. Petrucci on behalf of Exelon Generation Company LLC and Constellation New Energy Inc.	262
<u>6/5/2013</u>	Motion of Industrial Energy Users-Ohio for protective order and memorandum in support filed by J. Olikar.	263
<u>6/5/2013</u>	Confidential document target: Post hearing reply brief filed by M. Hayden on behalf of FirstEnergy Solutions Corp. (61 pages)	Conf.

<u>6/5/2013</u>	Reply Brief of the City of Dayton, OH electronically filed by Mr. Christopher W. Michael on behalf of The City of Dayton, Ohio.	264
<u>6/5/2013</u>	Reply Brief of The Kroger Co. electronically filed by Mr. Zachary D. Kravitz on behalf of The Kroger Co.	265
<u>6/5/2013</u>	Confidential treatment of document: The Dayton Power and Light Company's Reply Brief filed by Judi Sobecki on behalf of The Dayton Power and Light Company. (pg ct 83)	Conf.
<u>6/5/2013</u>	Reply Brief of Ohio Energy Group (OEG) Reply Brief electronically filed by Mr. David F. Boehm on behalf of Ohio Energy Group.	266
<u>6/5/2013</u>	Post-Hearing Reply Brief by the Office of the Ohio Consumers' Counsel electronically filed by Ms. Deb J. Bingham on behalf of Yost, Melissa R. Ms.	267
<u>6/5/2013</u>	Reply Brief of SolarVision, LLC electronically filed by Mrs. Kimberly W. Bojko on behalf of SolarVision, LLC.	268
<u>6/5/2013</u>	Reply Brief of Duke Energy Retail, LLC and Duke Energy Commercial Asset Management electronically filed by Carys Cochern on behalf of Kingery, Jeanne W Ms.	269
<u>6/5/2013</u>	Reply Brief of Interstate Gas Supply, Inc DBA IGS Energy electronically filed by Mr. Gregory L. Williams on behalf of Interstate Gas Supply, Inc. d/b/a IGS Energy.	270
<u>6/5/2013</u>	Post-Hearing Reply Brief electronically filed by Mr. Nathaniel Trevor Alexander on behalf of FirstEnergy Solutions Corp.	271
<u>6/5/2013</u>	Motion for Protective Order electronically filed by Mr. Nathaniel Trevor Alexander on behalf of FirstEnergy Solutions Corp.	272

<u>6/5/2013</u>	The Dayton Power and Light Company's Reply Brief - Public Version electronically filed by Mr. Jeffrey S Sharkey on behalf of The Dayton Power and Light Company.	273
<u>6/5/2013</u>	Reply Brief of The OMA Energy Group electronically filed by Teresa Orahood on behalf of J. Thomas Siwo.	274
<u>6/5/2013</u>	Reply Brief electronically filed by Mrs. Tonnetta Y Scott on behalf of PUCO.	275
<u>6/5/2013</u>	Reply Brief electronically filed by Mrs. Tonnetta Y. Scott on behalf of PUCO.	276
<u>6/5/2013</u>	Reply Brief of Ohio Partners for Affordable Energy and the Edgemont Neighborhood Coalition electronically filed by Colleen L. Mooney on behalf of Ohio Partners for Affordable Energy.	277
<u>6/5/2013</u>	Reply Brief electronically filed by MR Chris C. Thompson on behalf of Federal Executive Agencies.	278
<u>6/20/2013</u>	Notice of withdrawal electronically filed by Mr. M. Anthony Long on behalf of Honda of America Mfg., Inc.	279
<u>9/4/2013</u>	Finding and Order that DP&L's application for an electric security plan be approved, as modified; IEU-Ohio's request to review the procedural rulings is denied; IEU-Ohio's motion to take administrative notice is denied; DP&L shall file proposed tariffs consistent with this Opinion and Order.	280
<u>9/4/2013</u>	Public comment opposing DP&L Company's rate increase filed on behalf of concerned consumer, filed by R. Kelso.	Corres.
<u>9/6/2013</u>	Entry ordering the Opinion and Order issued September 4, 2013, be amended, nunc pro tunc, including pages 15, 16, 25, 26, 27, 49, and 50.	281

<u>10/4/2013</u>	Confidential treatment of document: Application for Rehearing filed by Melissa R. Yost on behalf of The Office of the Ohio Consumers' Counsel.	Conf.
<u>10/4/2013</u>	The Kroger Co's Application for Rehearing and memorandum in support filed by Mark S. Yuick Esq on behalf of The Kroger Company.	282
<u>10/4/2013</u>	Application for Rehearing by the Office of the Ohio Consumers' Counsel-Public Version electronically filed by Ms. Deb J. Bingham on behalf of Yost, Melissa R. Ms.	283
<u>10/4/2013</u>	App for Rehearing Ohio Energy Group (OEG) Application for Rehearing and Memorandum in Support electronically filed by Mr. David F. Boehm on behalf of Ohio Energy Group.	284
<u>10/4/2013</u>	App for Rehearing and memorandum in support of the Dayton Power and Light Company electronically filed by Mr. Jeffrey S Sharkey on behalf of The Dayton Power and Light Company.	285
<u>10/4/2013</u>	Motion for Protective Order filed by Mark A. Hayden on behalf of FirstEnergy Solutions Corp.	286
<u>10/4/2013</u>	Confidential treatment of document: FirstEnergy Solutions Corp's Application for Rehearing of the September 4, 2013 Opinion and Order as modified by the September 6, 2013 entry filed by Mark A. Hayden behalf of FirstEnergy Service Company. (pg ct 61)	Conf.
<u>10/4/2013</u>	Application for Rehearing and memorandum in support of The Ohio Hospital Association electronically filed by Teresa Orahod on behalf of Thomas O'Brien.	287

<u>10/4/2013</u>	Application for Rehearing and memorandum in support electronically filed by Mr. Nathaniel Trevor Alexander on behalf of FirstEnergy Solutions Corp.	288
<u>10/4/2013</u>	Motion for Protective Order electronically filed by Mr. Nathaniel Trevor Alexander on behalf of FirstEnergy Solutions Corp.	289
<u>10/4/2013</u>	Application for Rehearing and Memorandum in Support electronically filed by Mr. Joseph E. Olikier on behalf of Industrial Energy Users-Ohio.	290
<u>10/4/2013</u>	Motion for Protective Order and Memorandum in Support by the Office of the Ohio Consumers' Counsel electronically filed by Ms. Deb J. Bingham on behalf of Yost, Melissa R. Ms.	291
<u>10/4/2013</u>	Application for Rehearing and Memorandum in Support electronically filed by Colleen L Mooney on behalf of Ohio Partners for Affordable Energy and Edgemont Neighborhood Coalition.	292
<u>10/7/2013</u>	Motion and memorandum in support for The Dayton Power and Light Company's Motion for an Extension of Time to File Oppositions to Applications for Rehearing - Expedited Ruling Requested electronically filed by Mr. Jeffrey S Sharkey on behalf of The Dayton Power and Light Company.	293
<u>10/7/2013</u>	Notice of withdrawal of Counsel electronically filed by Ms. Cathryn N. Loucas on behalf of The Ohio Environmental Council.	294

<u>10/8/2013</u>	Attorney Examiner Entry granting DP&L's motion and ordering all memoranda contra filed by 10/31/2013. - electronically filed by Sandra Coffey on behalf of Bryce McKenney, Attorney Examiner, Public Utilities Commission of Ohio.	295
<u>10/15/2013</u>	Notice of substitution of Counsel electronically filed by Mrs. Kimberly W. Bojko on behalf of Ohio Manufacturers' Association.	296
<u>10/15/2013</u>	Notice of withdrawal electronically filed by Teresa Orahood on behalf of J. Thomas Siwo, Bricker & Eckler LLP.	297
<u>10/23/2013</u>	Entry on rehearing that the applications for rehearing filed by DP&L and FES be granted, in part, for further consideration of the matters specified in the applications for rehearing, and denied, in part, as set forth above.	298
<u>10/31/2013</u>	Memorandum Contra to the application for rehearing electronically filed by Mr. Christopher W. Michael on behalf of The City of Dayton, Ohio.	299
<u>10/31/2013</u>	Confidential treatment of document: Industrial Energy Users-Ohio's Memorandum Contra application for Rehearing filed by Joseph E. Olikier on behalf of Industrial Energy Users-Ohio's. (15 pages).	Conf.
<u>10/31/2013</u>	Motion for Protective Order and Memorandum in Support filed by Joseph E. Olikier on behalf of Industrial Energy Users-Ohio.	300
<u>10/31/2013</u>	Memorandum Contra application for rehearing (public-Redacted Version) of Industrial Energy User-Ohio filed by Joseph Olikier on behalf of Industrial Energy Users-Ohio.	301

<u>10/31/2013</u>	Response to Applications for Rehearing Submitted on Behalf of The Kroger Co. electronically filed by Mark Yurick on behalf of The Kroger Company.	302
<u>10/31/2013</u>	Memorandum Contra electronically filed by M. Howard Petricoff on behalf of Retail Energy Supply Association.	303
<u>10/31/2013</u>	Memorandum Ohio Energy Group (OEG) Memorandum Contra electronically filed by Mr. David F. Boehm on behalf of Ohio Energy Group.	304
<u>10/31/2013</u>	Memorandum The Dayton Power and Light Company's Memorandum in Opposition to Applications for Rehearing Filed by Intervenor (Public Version) electronically filed by Mr. Jeffrey S Sharkey on behalf of The Dayton Power and Light Company.	305
<u>10/31/2013</u>	Confidential target: Memorandum in opposition to application for rehearing filed by Intervenor on behalf of The Dayton Power and Light Company. (83 pages)	Conf.
<u>10/31/2013</u>	Memorandum Contra the Applications for Rehearing of the Dayton Power and Light Company and the Kroger Company by the Office of the Ohio Consumers' Counsel electronically filed by Ms. Deb J. Bingham on behalf of Yost, Melissa R. Ms.	306
<u>10/31/2013</u>	Memorandum in Opposition to Applications for Rehearing electronically filed by Mr. James F Lang on behalf of FirstEnergy Solutions Corp.	307
<u>11/15/2013</u>	Proposed tariffs PUCO No. 17 filed pursuant to the Order on September 6, 2013, electronically filed by Eric R Brown on behalf of The Dayton Power and Light Company.	308
<u>12/17/2013</u>	Staff's Review's and Recommendations filed.	309

<u>12/18/2013</u>	Entry ordered that the proposed compliance rates and tariffs filed by DP&L on November 15, 2013, should be approved, with modification, and DP&L is directed to file final tariffs for bills rendered beginning on January 1, 2014; that DP&L notify all customers regarding the availability of the new tariffs via a bill message, via a bill insert, or via a separate mailing within 30 days of the effective date of the tariffs. A copy of the customer notice shall be submitted to the Commission's Service Monitoring and Enforcement Department, Reliability and Service Analysis Division, at least 10 days prior to its distribution to customers.	310
<u>12/30/2013</u>	Tariff , PUCO No. 17 filed pursuant to the Order on December 18, 2013, electronically filed by Mr. Tyler A. Teuscher on behalf of The Dayton Power and Light Company.	311
<u>1/14/2014</u>	Correspondence Letter Regarding Pro Hac Vice Appearance by the Office of the Ohio Consumers' Counsel electronically filed by Ms. Deb J. Bingham on behalf of Berger, Tad Mr.	312
<u>1/14/2014</u>	Notice of Appearance by the Office of the Ohio Consumers' Counsel electronically filed by Ms. Deb J. Bingham on behalf of Berger, Tad Mr.	313
<u>1/28/2014</u>	Notice of withdrawal of counsel of Nolan Moser and substitution of counsel of record of Trent A. Dougherty filed by N. Moser on behalf of The Ohio Environmental Council.	314
<u>1/30/2014</u>	Notice of withdrawal of Counsel electronically filed by Mr. Steven M. Sherman on behalf of Wal-Mart Stores East, LP and Sam's East, Inc.	315

<u>3/19/2014</u>	Second Entry on Rehearing ordering the applications for rehearing filed by OCC, FES, Kroger, and DP&L be granted in part and denied in part as set forth in this entry. The applications for rehearing filed by OP&E/Edgemont, IEU-Ohio, OHA, and OEG be denied.	316
<u>3/28/2014</u>	Notice of withdrawal of Joseph E. Olier filed by F. Darr on behalf of McNees, Wallace & Nurick LLC.	317
<u>4/17/2014</u>	Second Application for Rehearing Ohio Energy Group's (OEG) Second Application for Rehearing electronically filed by Mr. David F. Boehm on behalf of Ohio Energy Group.	318
<u>4/17/2014</u>	Second Application for Rehearing and Memorandum in Support of Industrial Energy Users-Ohio electronically filed by Mr. Frank P. Darr on behalf of Industrial Energy Users-Ohio.	319
<u>4/18/2014</u>	Application for Rehearing of The Dayton Power and Light Company as to the Second Entry on Rehearing and memorandum in support electronically filed by Mr. Jeffrey S Sharkey on behalf of The Dayton Power and Light Company.	320
<u>4/18/2014</u>	Second Application for Rehearing and memorandum in support by the Office of the Ohio Consumers' Counsel electronically filed by Ms. Deb J. Bingham on behalf of Grady, Maureen R. Ms.	321
<u>4/28/2014</u>	The Dayton Power and Light Company's Memorandum in Opposition to Applications for Rehearing as to the Commission's Second Entry on Rehearing electronically filed by Mr. Jeffrey S. Sharkey on behalf of The Dayton Power and Light Company.	322

<u>4/28/2014</u>	Memorandum Contra the Application for Rehearing of the Dayton Power and Light Company as to the Second Entry on Rehearing by the Office of the Ohio Consumers' Counsel electronically filed by Ms. Deb J. Bingham on behalf of Yost, Melissa R. Ms.	323
<u>4/28/2014</u>	Memorandum Contra the Application for Rehearing of the Dayton Power and Light Company as to the Second Entry on Rehearing electronically filed by Mr. Frank P Darr on behalf of Industrial Energy Users-Ohio.	324
<u>5/7/2014</u>	Third Entry on rehearing ordering that the applications for rehearing filed by IEU-Ohio, OEG, OCC, and DP&L are granted for further consideration of the matters specified in the applications for rehearing.	325
<u>6/4/2014</u>	Fourth Entry on Rehearing ordering that the applications for rehearing filed by OCC, IEU-Ohio and OEG, be denied. That the application for rehearing filed by DP&L be granted in part and denied in part.	326
<u>6/26/2014</u>	Return Mail.	327
<u>7/1/2014</u>	Third Application for Rehearing by the Office of the Ohio Consumers' Counsel electronically filed by Ms. Deb J. Bingham on behalf of Yost, Melissa R. Ms.	328
<u>7/11/2014</u>	Memorandum in Opposition to the Third Application for Rehearing by The Office of The Ohio Consumers' Counsel electronically filed by Mr. Jeffrey S Sharkey on behalf of The Dayton Power and Light Company.	329
<u>7/23/2014</u>	Fifth Entry on Rehearing stating that the application for rehearing filed by OCC be denied, as set forth in this Entry.	330

7/30/2014 Joint Motion for a Stay and memorandum in support to Prevent DP&L from Charging Customers the Service Stability Rider While Appeals are Pending or, in the Alternative, Motion to Make DP&L's Rates for Charging the Service Stability Rider Costs to Customers Subject to Refund Pending the Outcome of Rehearing and any Appeals by Industrial Energy Users-Ohio, Office of the Ohio Consumers' Counsel, Ohio Energy Group and Ohio Partners for Affordable Energy electronically filed by Ms. Deb J. Bingham on behalf of Grady, Maureen R. Ms. 331

8/14/2014 The Dayton Power and Light Company's Memorandum in Opposition to the Joint Motion for Stay to Prevent DP&L from Charging Customers the Service Stability Rider While Appeals Are Pending or, in the Alternative, Motion to Make DP&L's Rates for Charging the Service Stability Rider Costs to Customers Subject to Refund Pending the Outcome of Rehearing and Any Appeals by Industrial Energy Users-Ohio, Office of the Ohio Consumers' Counsel, Ohio Energy Group and Ohio Partners for Affordable Energy electronically filed by Mr. Jeffrey S Sharkey on behalf of The Dayton Power and Light Company. 332

8/14/2014 Notice of Withdrawal of Counsel and Designation of Counsel of Record by the Office of the Ohio Consumers' Counsel electronically filed by Ms. Deb J. Bingham on behalf of Grady, Maureen R. Ms. 333

<u>8/21/2014</u>	Reply of Joint Movants to Memorandum Contra of the Dayton Power and Light Company to Motion for Stay electronically filed by Mr. Frank P Darr on behalf of Industrial Energy Users-Ohio.	334
<u>8/29/2014</u>	Supreme Court Appeal. (SC #14-1505)	335

**Before
THE SUPREME COURT OF OHIO**

Industrial Energy Users-Ohio)	
)	
)	
Appellant,)	
)	
VS)	Supreme Court No. 14-1505
)	
The Public Utilities Commission of Ohio)	
)	
)	
)	
Appellee.)	

**Being Before
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the matter of the application of The)	
Dayton Power and Light Company for)	Case No. 12-426-EL-SSO
approval of its Electric Security Plan.)	
)	
In the matter of the application of The)	
Dayton Power and Light Company for approval)	Case No. 12-427-EL-ATA
Of revised tariffs.)	
)	
In the matter of the application of The)	Case No. 12-428-EL-AAM
Dayton Power and Light Company for)	
Approval for certain accounting authority.)	
)	
In the matter of the application of The)	
Dayton Power and Light Company for)	Case No. 12-429-EL-WVR
Waiver of certain Commission rules.)	
)	
)	
In the matter of the application of The)	Case No. 12-672-EL-RDR
Dayton Power and Light Company to establish)	
Tariff riders.)	

CERTIFICATION

I, Barcy F. McNeal, the duly appointed and qualified Secretary of The Public Utilities Commission of Ohio, in whose custody the books, records, and files of said Commission are kept, do hereby certify there is transmitted herewith the docket entries of the Commission, ICN No. 1-335, the **Opinion and Order dated September 4, 2013**, the **Entry Nunc Pro Tunc dated September 6, 2013**, and the **Entry on Rehearing dated October 23, 2013**, the **Second Entry on Rehearing dated March 19, 2014**, the **Fourth Entry on Rehearing dated June 4, 2014**, and the **Fifth Entry on Rehearing dated July 23, 2014** inclusive; and the Certification of the record in Case No.'s 12-426-EL-SSO, 12-427-EL-ATA, 12-428-EL-AAM, 12-429-EL-WVR, and 12-672-EL-RDR.

IN WITNESS THEREOF, I have thereunto set my hand
and affixed the official seal of The Public Utilities Commission
of Ohio this 29 day of September, 2014.

A handwritten signature in cursive script, reading "Felecia D. Burdett", written over a horizontal line.

Barcy F. McNeal, Secretary
Tanowa Troupe, Acting Secretary
Felecia D. Burdett, Acting Secretary

THE PUBLIC UTILITIES COMMISSION OF OHIO