

## THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE FUEL ADJUSTMENT  
CLAUSE FOR THE DAYTON POWER AND  
LIGHT COMPANY.

CASE NO. 16-224-EL-FAC

### ENTRY

Entered in the Journal on September 7, 2018

{¶ 1} The Dayton Power and Light Company (DP&L) is an electric light company and a public utility as defined by R.C. 4905.03(C) and R.C. 4905.02, respectively. As such, DP&L is subject to the Commission's jurisdiction pursuant to R.C. 4905.04, 4905.05, and 4905.06.

{¶ 2} Under R.C. 4928.141, DP&L is required to provide a standard service offer (SSO) of all competitive retail electric services necessary to maintain essential electric service, including a firm supply of electric generation service, to customers within its certified territory. The SSO may be either a market rate offer in accordance with R.C. 4928.142 or an electric security plan (ESP) in accordance with R.C. 4928.143.

{¶ 3} By Opinion and Order issued on June 24, 2009, the Commission approved a Stipulation and Recommendation (Stipulation) to establish an ESP for DP&L. *In re The Dayton Power and Light Company*, Case No. 08-1094-EL-SSO, et al. (*ESP I Case*), Opinion and Order (June 24, 2009). The ESP provided for, among other things, the establishment of a fuel adjustment clause (FAC) mechanism, effective January 1, 2010, with annual audits of DP&L's fuel costs and fuel management practices. The ESP also established an alternative energy rider (AER) to recover alternative energy costs. On September 4, 2013, DP&L's second ESP was approved, for the period beginning January 1, 2014, and ending May 31, 2017. *In re The Dayton Power and Light Company*, Case No. 12-426-EL-SSO, et al. (*ESP II Case*), Opinion and Order (September 4, 2013). Both the FAC and the AER were approved for the term of the second ESP.

{¶ 4} On June 20, 2016, the Supreme Court of Ohio issued an opinion reversing the Commission's decision approving the second ESP and disposing of all pending appeals. *In*

*re Application of Dayton Power & Light Co.*, 147 Ohio St.3d 166, 2016-Ohio-3490, 62 N.E.3d 179. On August 26, 2016, the Commission modified the second ESP pursuant to the Court's directive; however, the Commission also granted DP&L's application to withdraw the second ESP, thereby terminating it, pursuant to R.C. 4928.143(C)(2)(a). *ESP II Case*, Finding and Order (August 26, 2016) at ¶¶ 14-15.

{¶ 5} R.C. 4928.143(C)(2)(b) provides that if the utility terminates an application for an ESP or if the Commission disapproves an application, the Commission shall issue such order as is necessary to continue the provisions, terms, and conditions of the utility's most recent SSO, along with any expected increases or decreases in fuel costs from those contained in that offer, until a subsequent SSO is authorized. On August 26, 2016, the Commission granted DP&L's application to implement its most recent SSO, which was its first ESP, pursuant to R.C. 4928.143(C)(2)(b). *ESP I Case*, Finding and Order (August 26, 2016) at ¶¶ 21, 28.

{¶ 6} On March 31, 2016, the Commission issued an entry in this proceeding selecting Energy Ventures Analysis, Inc. (Auditor) to perform a management/performance and financial audits of both the FAC and the AER. The audit report was timely filed on August 23, 2016.

{¶ 7} On January 11, 2018, DP&L and Staff filed a stipulation (Stipulation), recommending the resolution of all issues arising from the management/performance and financial audits of the FAC and AER.

{¶ 8} Accordingly, the attorney examiner finds that this matter should be set for hearing. The hearing shall be held on November 1, 2018, at 10:00 a.m., at the offices of the Commission, 11th Floor, 180 East Broad Street, Columbus, Ohio. Motions to intervene in this proceeding shall be filed by October 1, 2018. Testimony in support of the Stipulation should be filed by October 4, 2018; testimony in opposition to the Stipulation should be filed by October 18, 2018.

{¶ 9} It is, therefore,

{¶ 10} ORDERED, That the evidentiary hearing in this proceeding be scheduled for November 1, 2018, at 10:00 a.m., at the offices of the Commission, 11th Floor, 180 East Broad Street, Columbus, Ohio. It is, further,

{¶ 11} ORDERED, That motions to intervene in this proceeding be filed by October 1, 2018. It is, further,

{¶ 12} ORDERED, That testimony in support of the Stipulation be filed by October 4, 2018. It is, further,

{¶ 13} ORDERED, That testimony in opposition to the Stipulation be filed by October 18, 2018. It is, further,

{¶ 14} ORDERED, That a copy of this Entry be served upon all parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

s/Gregory Price

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By: Gregory A. Price  
Attorney Examiner

NJW/sc

**This foregoing document was electronically filed with the Public Utilities**

**Commission of Ohio Docketing Information System on**

**9/7/2018 2:38:43 PM**

**in**

**Case No(s). 16-0224-EL-FAC**

Summary: Attorney Examiner Entry setting forth a procedural schedule and scheduling an evidentiary hearing for 11/01/2018 in accordance with Paragraph 8 - electronically filed by Sandra Coffey on behalf of Gregory Price, Attorney Examiner, Public Utilities Commission of Ohio