

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of The)	
Dayton Power & Light Company for)	Case No. 16-0395-EL-SSO
Approval of Its Electric Security Plan.)	

In the Matter of the Application of The)	
Dayton Power & Light Company for)	Case No. 16-0396-EL-ATA
Approval of Revised Tariffs.)	

In the Matter of the Application of The)	
Dayton Power & Light Company for)	
Approval of Certain Accounting)	Case No. 16-0397-EL-AAM
Authority Pursuant to Ohio Rev. Code)	
§ 4905.13.)	

**MOTION FOR PROCEDURAL SCHEDULE AND MEMORANDUM IN SUPPORT
OF INTERSTATE GAS SUPPLY, INC.**

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October 19, 2018

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§ 4905.13.)	

MOTION FOR PROCEDURAL SCHEDULE

On March 14, 2017, a group of parties submitted an Amended Stipulation (“Stipulation”) for approval to Public Utilities Commission of Ohio (“Commission”) in this proceeding. Among other things, the Stipulation required the Reconciliation Rider (“RR”) to be bypassable to customers served by a competitive retail electric service (“CRES”) provider.

On October 20, 2017, the Commission issued an Opinion and Order materially modifying and approving the Stipulation. Following the denial of Interstate Gas Supply, Inc.’s (“IGS”) application for rehearing and unsuccessful good faith negotiations to salvage the benefit of the bargain, IGS timely filed its Notice of Withdrawal from the Stipulation pursuant to Section XI(5).

According to the Amended Stipulation, if a party withdraws as a signatory party, “the Commission will convene an evidentiary hearing to afford that Signatory Party the

opportunity to contest the Stipulation by presenting evidence through witnesses, to cross-examine witnesses, to present rebuttal testimony, and to brief all issues that the Commission shall decide based upon the record and briefs.”¹

Accordingly, the Commission should schedule an evidentiary hearing to permit IGS to create a record, to cross-examine witnesses supporting the Stipulation, to permit IGS to present its own witnesses, and to brief all issues so that the Commission may issue an order based upon the record and briefs.

Accordingly, pursuant to Ohio Adm. Code 4901-1-12(A) IGS respectfully moves for the adoption of the procedural schedule outlined below:

- IGS testimony due: 11/20/2018
- Discovery Response Period: 7 calendar days
- Procedural Conference: 12/5/2018
- Evidentiary Hearing: 12/12/18

For the reasons set forth above and in the accompanying Memorandum in Support, IGS respectfully requests that the Commission adopt the procedural schedule proposed in this Motion.

Respectfully submitted,

/s/ Joseph Olikier

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¹ Amended Stipulation and Recommendation at Section XI(5).

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MEMORANDUM IN SUPPORT

On February 22, 2016, DP&L filed an application for an ESP. On October 11, 2016, in the wake of negative rulings by the Federal Energy Regulatory Commission related to purchase power agreements with affiliates, DP&L amended its ESP application.

The amended ESP application proposed a non-bypassable distribution modernization rider (“DMR”), as well as a non-bypassable Reconciliation Rider (“RR”) to recover costs related to DP&L’s investment in the Ohio Valley Electric Corporation (“OVEC”), which operates two competitive generation facilities. The application further proposed modifications to the manner in which DP&L calculates CRES provider collateral requirements. The application also requested approval of its tariff containing switching fees and historical customer usage fees.

On January 30, 2017, a diverse group of parties submitted a Stipulation and Recommendation to resolve the contested issues in this proceeding. As part of that

settlement, DP&L agreed to establish a component of the SSO rate to recognize costs related to but avoided by default service.

On March 14, 2017, following additional negotiations and bargaining, the parties to the initial Stipulation, the Commission Staff, and other parties executed an Amended Stipulation to resolve all of the outstanding issues in this proceeding. Among other things, the Amended Stipulation acknowledged the existence of SSO-related costs embedded in distribution rates, but the parties agreed to evaluate that matter in DP&L's distribution rate case rather than resolve it here.² The Amended Stipulation made the RR bypassable to customers served by a CRES provider.³

On October 20, 2017, the Commission issued an Order modifying and approving the Amended Stipulation. Specifically, the Order modified the RR by making it non-bypassable.⁴ The modification was material and undermined the benefit of the bargain.

Following the denial of Interstate Gas Supply, Inc.'s ("IGS") application for rehearing and unsuccessful good faith negotiations to salvage the benefit of the bargain, IGS timely filed its Notice of Withdrawal from the Stipulation pursuant to Section XI(5).

Under the Amended Stipulation, if a party withdraws as a signatory party, "the Commission will convene an evidentiary hearing to afford that Signatory Party the opportunity to contest the Stipulation by presenting evidence through witnesses, to cross-

² Joint Ex. 1 at III(d).

³ Joint Ex. 1 at VI(1)(a)(ii).

⁴ Order at 35.

examine witnesses, to present rebuttal testimony, and to brief all issues that the Commission shall decide based upon the record and briefs.”⁵

Through a separate Notice of Withdrawal, IGS asserted its right to contest the Stipulation in its entirety. Therefore, it is necessary to establish a procedural schedule. The Commission should schedule an evidentiary hearing to permit IGS to cross-examine witnesses supporting the Stipulation, to permit IGS to present its own witnesses, and to brief all issues so that the Commission may issue an order based upon the record and briefs.

Accordingly, pursuant to Ohio Adm. Code 4901-1-12(A), IGS respectfully moves for the adoption of the procedural schedule outlined below:

- IGS testimony: 11/20/2018
- Discovery Response Period: 7 calendar days
- Procedural Conference: 12/5/2018
- Evidentiary Hearing: 12/12/18

Therefore, IGS respectfully requests that the Commission grant this motion and establish a procedural schedule for this proceeding.

Respectfully submitted,

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⁵ Amended Stipulation and Recommendation at Section XI(5).

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CERTIFICATE OF SERVICE

I certify that this *Motion for Procedural Schedule and Memorandum in Support of Interstate Gas Supply, Inc.* was filed electronically through the Docketing Information System of the Public Utilities Commission of Ohio on this 19th day of October 2018. The PUCO's e-filing system will electronically serve notice of the filing of this document on the following parties:

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/s/ Joseph Olikier

Joseph Olikier

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Case No(s). 16-0395-EL-SSO, 16-0396-EL-ATA, 16-0397-EL-AAM

Summary: Motion for Procedural Schedule and Memorandum in Support electronically filed by Mr. Joseph E. Olikier on behalf of IGS Energy