

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE APPLICATION OF
THE DAYTON POWER AND LIGHT
COMPANY TO ESTABLISH A STANDARD
SERVICE OFFER IN THE FORM OF AN
ELECTRIC SECURITY PLAN.

CASE NO. 16-395-EL-SSO

IN THE MATTER OF THE APPLICATION OF
THE DAYTON POWER AND LIGHT
COMPANY FOR APPROVAL OF REVISED
TARIFFS.

CASE NO. 16-396-EL-ATA

IN THE MATTER OF THE APPLICATION OF
THE DAYTON POWER AND LIGHT
COMPANY FOR APPROVAL OF CERTAIN
ACCOUNTING AUTHORITY.

CASE NO. 16-397-EL-AAM

ENTRY

Entered in the Journal on January 18, 2019

{¶ 1} The Dayton Power and Light Company (DP&L) is a public utility as defined under R.C. 4905.02, and, as such, is subject to the jurisdiction of this Commission. On February 22, 2016, DP&L filed an application for a standard service offer pursuant to R.C. 4928.141. DP&L's application is for an electric security plan (ESP) in accordance with R.C. 4928.143. Additionally, DP&L filed accompanying applications for approval of revised tariffs and for approval of certain accounting authority.

{¶ 2} On October 11, 2016, DP&L filed an amended application for an ESP.

{¶ 3} On January 30, 2017, a stipulation and recommendation was filed by DP&L and various parties. Subsequently, on March 14, 2017, an amended stipulation and recommendation (Amended Stipulation) was filed by DP&L and various parties, including additional parties that were not part of the first stipulation.

{¶ 4} On October 20, 2017, the Commission issued its Opinion and Order (Opinion and Order) modifying and approving an amended stipulation and recommendation (Amended Stipulation) filed by DP&L and various other parties on March 14, 2017.

{¶ 5} The Opinion and Order was the subject of several rounds of rehearing. As is relevant herein, on September 19, 2018, the Commission issued a Third Entry on Rehearing granting, in part, and denying, in part, DP&L's application for rehearing and denying all other applications for rehearing.

{¶ 6} On October 19, 2018, Interstate Gas Supply, Inc. (IGS) filed a notice of withdrawal from the Amended Stipulation (Notice of Withdrawal) and a motion for a procedural schedule. Ultimately, by discussion at a December 5, 2018 prehearing conference and by Entry dated December 6, 2018, the attorney examiners established a procedural schedule. Pursuant to that schedule, IGS was directed to file a notice of the witnesses it intended to re-call by December 28, 2018, and to file testimony by January 28, 2019; the cut-off date for paper discovery (other than notices of deposition) was set for February 4, 2019; and hearing was set to commence February 1, 2019, and continue on February 26, 2019.

{¶ 7} On January 10, 2019, IGS filed a motion to modify the procedural schedule with a memorandum in support. IGS seeks to extend the date by which it must file testimony, the cut-off date for paper discovery except notices of deposition, and the hearing date. Under IGS's proposed schedule, the hearing date would be continued to March 26, 2019.

{¶ 8} By Entry dated January 11, 2019, the attorney examiner found that the motion should be given expedited treatment and ordered that any memorandum contra or similar written response to IGS's motion be filed by January 17, 2019.

{¶ 9} On January 14, 2019, Ohio Manufacturers' Association Energy Group and The Kroger Co. (Movants) filed a joint memorandum contra to IGS's motion. Movants express no objection to extending the procedural schedule; instead, citing counsel's existing travel plans, ask that the hearing be continued to April 1, 2019. Counsel for Industrial Energy Users-Ohio emailed all participants expressing availability for either suggested date; DP&L also indicated its availability. No other response to IGS's motion or Movant's memorandum contra was filed.

{¶ 10} The attorney examiner finds that IGS's motion to modify the procedural schedule should be granted and that consideration should be given to the Movants' response. Therefore, the procedural schedule is modified such that IGS is directed to prefile testimony by February 12, 2019; the cut-off date for service of all paper discovery (other than notices of deposition) shall be February 19, 2019, and hearing shall commence April 1, 2019 at 10:00 a.m., in Hearing Room 11-A.

{¶ 11} It is, therefore,

{¶ 12} ORDERED, That IGS's motion to modify the procedural schedule be granted.
It is, further,

{¶ 13} ORDERED, That the parties comply with the procedural schedule set forth in Paragraph 10. It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/Patricia A. Schabo

By: Patricia A. Schabo
Attorney Examiner

JRJ/hac

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

Summary: Attorney Examiner Entry granting motion to modify procedural schedule and ordering parties to comply with same electronically filed by Heather A Chilcote on behalf of Patricia Schabo, Attorney Examiner, Public Utilities Commission