

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

FIFTH ENTRY ON REHEARING

Entered in the Journal on January 15, 2020

I. SUMMARY

{¶ 1} In this Fifth Entry on Rehearing, the Commission finds that rehearing should be granted for further consideration of the matters specified in the applications for rehearing filed on December 23, 2019, by Interstate Gas Supply, Inc., and Ohio Consumers' Counsel.

II. HISTORY OF PROCEEDING

{¶ 2} 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.

{¶ 3} R.C. 4928.141 mandates that an electric distribution utility shall provide a standard service offer (SSO) of all competitive retail electric services necessary to maintain essential electric services to customers, including a firm supply of electric generation service, to all consumers 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.

{¶ 4} On February 22, 2016, as amended on October 11, 2016, DP&L filed an application for its third ESP (ESP III). On October 20, 2017, the Commission issued its Opinion and Order modifying and approving an amended stipulation (Amended Stipulation) filed by various parties to this proceeding. ESP III was effective November 1, 2017.

{¶ 5} On September 19, 2018, the Commission denied an application for rehearing filed by Interstate Gas Supply, Inc. (IGS). Third Entry on Rehearing (Sep. 19, 2019). Subsequently, on October 19, 2019, IGS withdrew from the Amended Stipulation, requiring a second evidentiary hearing, according to the terms of the Amended Stipulation. Entry (Nov. 15, 2018); Entry (Nov. 20, 2018). Following this additional evidentiary hearing, the Commission issued a Supplemental Opinion and Order on November 21, 2019. In the Supplemental Opinion and Order, the Commission further modified and approved the Amended Stipulation establishing ESP III, eliminating DP&L's distribution modernization rider in light of the Supreme Court of Ohio's decision in *In re Application of Ohio Edison Co.*, 157 Ohio St.3d 73, 2019-Ohio-2401, 131 N.E.3d 906, *reconsideration denied*, 156 Ohio St.3d 1487, 2019-Ohio-3331, 129 N.E.3d 458. Supplemental Opinion and Order (Nov. 21, 2019) at ¶1, 102-110, 134.

{¶ 6} On November 26, 2019, DP&L filed a notice of withdrawal of its application for ESP III, pursuant to its statutory right to withdraw its application under R.C. 4928.143(C)(2)(a). On December 18, 2019, the Commission approved the notice of withdrawal, finding that the withdrawal of the application terminated ESP III.

{¶ 7} On December 23, 2019, applications for rehearing regarding the Supplemental Opinion and Order were filed by IGS and Ohio Consumers' Counsel (OCC).

{¶ 8} On December 31, 2019, the attorney examiner granted DP&L's motion for an extension of time to file a memorandum contra the applications for rehearing filed by IGS

and OCC. Subsequently, on January 2, 2020, OCC filed a memorandum contra the applications for rehearing filed on December 23, 2019, by IGS.

III. COMMISSION DECISION

{¶ 9} The Commission grants the applications for rehearing filed by the IGS and OCC on December 23, 2019. We believe that sufficient reason has been set forth by the parties to warrant further consideration of the matters specified in the application for rehearing.

IV. ORDER

{¶ 10} It is, therefore,

{¶ 11} ORDERED, That the applications for rehearing filed by IGS and OCC on December 23, 2019, be granted for further consideration of the matters specified in the applications for rehearing. It is, further,

{¶ 12} ORDERED, That a copy of this Fifth Entry on Rehearing be served upon all parties of record.

COMMISSIONERS:

Approving:

M. Beth Trombold

Daniel R. Conway

Dennis P. Deters

Recusal:

Sam Randazzo, Chairman

Lawrence K. Friedeman

GAP/hac

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

Summary: Entry that the Fifth Entry on Rehearing, the Commission finds that rehearing should be granted for further consideration of the matters specified in the applications for rehearing filed on December 23, 2019, by Interstate Gas Supply, Inc., and Ohio Consumers' Counsel electronically filed by Docketing Staff on behalf of Docketing