

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE APPLICATION OF
THE DAYTON POWER AND LIGHT
COMPANY FOR ADMINISTRATION OF THE
SIGNIFICANTLY EXCESSIVE EARNINGS
TEST UNDER R.C. 4928.143(F) AND OHIO
ADM.CODE 4901:1-35-10 FOR 2018.

CASE NO. 19-1121-EL-UNC

IN THE MATTER OF THE APPLICATION OF
THE DAYTON POWER AND LIGHT
COMPANY FOR ADMINISTRATION OF THE
SIGNIFICANTLY EXCESSIVE EARNINGS
TEST UNDER R.C. 4928.143(F) AND OHIO
ADM.CODE 4901:1-35-10 FOR 2019.

CASE NO. 20-1041-EL-UNC

ENTRY

Entered in the Journal on September 11, 2020

{¶ 1} The Dayton Power and Light Company (DP&L) is an electric distribution utility and a public utility as defined in R.C. 4928.01(A)(6) and R.C. 4905.02, respectively. As such, DP&L is subject to the jurisdiction of this Commission.

{¶ 2} Pursuant to R.C. 4928.143(F), following the end of each annual period of an approved electric security plan (ESP), the Commission is required to evaluate if any adjustments resulted in significantly excessive earnings for the electric utility. This determination is measured by whether the earned return on common equity of the utility is significantly in excess of the return on common equity that was earned during the same period by publicly traded companies (including other utilities) that face comparable business and financial risk, with adjustments for capital structure as may be appropriate.

{¶ 3} On May 15, 2019, in Case No. 19-1121-EL-UNC, DP&L filed an application and supporting documents for the administration of the significantly excessive earnings test, as required by R.C. 4928.143(F) and Ohio Adm.Code 4901:1-35-10, for calendar year 2018.

{¶ 4} On June 13, 2019, and June 24, 2019, respectively, the Ohio Consumers' Counsel (OCC) and Ohio Energy Group (OEG) filed motions to intervene in Case No. 19-

1121-EL-UNC. The motions are unopposed. Upon review, the attorney examiner finds the motions to intervene are reasonable and should be granted.

{¶ 5} On March 9, 2020, the governor signed Executive Order 2020-01D (Executive Order), declaring a state of emergency in Ohio to protect the well-being of Ohioans from the dangerous effects of COVID-19. As described in the Executive Order, state agencies are required to implement procedures consistent with recommendations from the Department of Health to prevent or alleviate the public health threat associated with COVID-19. Additionally, all citizens are urged to heed the advice of the Department of Health regarding this public health emergency in order to protect their health and safety. The Executive Order was effective immediately and will remain in effect until the COVID-19 emergency no longer exists. The Department of Health is making COVID-19 information, including information on preventative measures, available via the internet at coronavirus.ohio.gov/.

{¶ 6} On May 15, 2020, in Case No. 20-1041-EL-UNC, DP&L filed an application and supporting documents for the administration of the significantly excessive earnings test, as required by R.C. 4928.143(F) and Ohio Adm.Code 4901:1-35-10, for calendar year 2019.

{¶ 7} On June 24, 2020, OCC filed a motion to intervene in Case No. 20-1041-EL-UNC. And, in the same case number, The Kroger Co. (Kroger) and The Ohio Manufacturers' Association Energy Group (OMAEG) each filed a motion to intervene on July 2, 2020. No memoranda contra were filed. Upon review, the attorney examiner finds that these motions to intervene are also reasonable and should be granted.

{¶ 8} The attorney examiner further finds that these matters should be consolidated for the purposes of hearing and be subject to the following procedural schedule:

(a) Motions to intervene should be filed no later than October 16, 2020.

(b) DP&L should file any direct or supplemental direct testimony by November 16, 2020.

(c) Intervenor should file testimony by November 30, 2020.

(d) Discovery, except for notices of deposition, should be filed by December 14, 2020.

{¶ 9} Given the Executive Order and current pandemic circumstances, the attorney examiner will schedule the hearing and indicate whether the hearing will be conducted in-person or by remote technology by subsequent entry.

{¶ 10} It is, therefore,

{¶ 11} ORDERED, That OCC's motions to intervene be granted as to both Case No. 19-1121-EL-UNC and 20-1041-EL-UNC, as stated in Paragraphs 4 and 7. It is, further,

{¶ 12} ORDERED, That OEG's motion to intervene in Case No. 19-1121-EL-UNC be granted, as stated in Paragraph 4. It is, further,

{¶ 13} ORDERED, That Kroger's and OMAEG's motions to intervene in Case No. 20-1041-EL-UNC be granted, as stated in Paragraph 7. It is, further,

{¶ 14} ORDERED, That these matters be consolidated and that all parties and interested persons follow the procedural schedule set forth in Paragraph 8. It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/Patricia A. Schabo

By: Patricia A. Schabo
Attorney Examiner

GAP/hac

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

9/11/2020 3:48:39 PM

in

Case No(s). 19-1121-EL-UNC, 20-1041-EL-UNC

Summary: Attorney Examiner Entry ordering OCC's motions to intervene be granted as to both Case No. 19-1121-EL-UNC and 20-1041-EL-UNC; ordering OEG's motion to intervene in Case No. 19-1121-EL-UNC be granted; ordering Kroger's and OMAEG's motions to intervene in Case No. 20-1041-EL-UNC be granted; and, ordering that these matters be consolidated and that all parties and interested persons follow the procedural schedule set forth in Paragraph 8 electronically filed by Heather A Chilcote on behalf of Patricia Schabo, Attorney Examiner, Public Utilities Commission