

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of The)	
Dayton Power and Light Company to)	
Establish a New Clean Air Fund Rider)	Case No. 20-1708-EL-ATA

**MOTION FOR LEAVE TO FILE MEMORANDUM CONTRA OUT OF TIME
OF THE DAYTON POWER AND LIGHT COMPANY**

Pursuant to Ohio Adm. Code 4901-1-12, and 4901-1-13, The Dayton Power and Light Company (“DP&L” or “the Company”) hereby respectfully moves the Public Utilities Commission of Ohio (“PUCO” or “the Commission”) for leave to file out of time its Memorandum Contra of The Dayton Power and Light Company to the Office of the Ohio Consumers’ Counsel’s Motion to Modify DP&L’s Compliance Tariff in this proceeding (“Memorandum Contra”). The Company has filed its Memorandum Contra contemporaneously with this Motion. For the reasons as set forth more fully in the attached memorandum in support, DP&L respectfully requests that the Commission grant this request to file out of time and accept the Memorandum Contra.

Respectfully submitted,

/s/ Michael J. Schuler

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MEMORANDUM IN SUPPORT

On November 25, 2020, the Office of the Ohio Consumers' Counsel ("OCC") filed a Motion to Intervene and a Motion to Make the CAF Rider Subject to Refund in this proceeding. DP&L prepared a Memorandum Contra and attempted to timely file the document numerous times through the Commission's Docketing Information System ("DIS"). Unfortunately, the DIS system repeatedly rejected the filing for unknown reasons. Counsel for DP&L also attempted to contact the docketing department numerous times for guidance, but received the following message due to the current pandemic: "In an effort to maintain social distance and reduce contact, docketing staff working from home for time being." The PUCO docketing department contacted DP&L's counsel via email the very next morning to explain that certain metadata contained in the document appeared to be prohibiting the DIS system from accepting the document.

Granting this Motion for Leave will not prejudice the Complainant and will not prolong this proceeding because this is limited to a tariff filing to implement the directives set forth in the Commission's August 26, 2020 Entry in Case No. 20-1143-EL-UNC and no scheduling order has been set in this case. The Commission's rules permit it to grant leave to file pleadings out of time when doing so will cause no harm to the parties and has granted similar leaves due to technical difficulties with the DIS system.¹

For the foregoing reasons the Company respectfully requests that the Commission grant its Motion for Leave to File Memorandum Contra Out of Time.

¹ *In the Matter of the Commission's Investigation of the Financial Impact of the Tax Cuts and Jobs Act of 2017 on Regulated Ohio Utility Companies*, Case No. 18-47-AU-COI, Entry on Rehearing (March 8, 2018); (granting the Ohio Manufacturers Association Energy Group leave to file an memorandum contra to applications for rehearing out of time due to DIS technical difficulties); *In the Matter of the Commission's Review of Chapter 4901:1-10 of the Ohio Administrative Code.*, Case No. 12-2050-EL-ORD, Entry ¶¶ 6-7 (Dec. 21, 2017) (granting the numerous motions for leave to file memorandum contra to applications for rehearing out of time due to DIS technical difficulties).

Respectfully submitted,

/s/ Michael J. Schuler

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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing has been served via electronic mail upon the following counsel of record, this 11th day of December, 2020:

Ambrosia.Wilson@occ.ohio.gov

William.Michael@occ.ohio.gov

/s/ Michael J. Schuler

Michael J. Schuler (0082390)

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Summary: Motion for Leave to File Memorandum Contra Out of Time of The Dayton Power and Light Company electronically filed by Mr. Michael J Schuler on behalf of The Dayton Power and Light Company