

BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of The Dayton Power and Light Company to Increase Its Rates for Electric Distribution	:	CASE NO. 20-1651-EL-AIR
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In the Matter of the Application of The Dayton Power and Light Company for Accounting Authority	:	CASE NO. 20-1652-EL-AAM
	:	
In the Matter of the Application of The Dayton Power and Light Company for Approval of Revised Tariffs	:	CASE NO. 20-1653-EL-ATA
	:	

**MOTION OF THE DAYTON POWER AND LIGHT COMPANY D/B/A AES OHIO
FOR LIMITED WAIVER REGARDING PUBLICATION OF NEWSPAPER
NOTICE IN UNION COUNTY**

EXPEDITED TREATMENT REQUESTED

Pursuant to the Commission's authority to prescribe the form for notices of applications to increase rates under R.C. 4909.19(A), its authority to waive provisions of Ohio Adm.Code 4901-7-01, Appendix A ("Standard Filing Requirements" or "SFR") under SFR Chapter II, (A)(4)(a), and for good cause, The Dayton Power and Light Company d/b/a AES Ohio ("AES Ohio" or the "Company") moves for a limited waiver regarding the time in which to publish notice of this proceeding, as approved by the Commission (the "Amended Notice"), in Union County, Ohio. Apr. 29, 2021 Entry, ¶ 9.

The Commission directed AES Ohio to publish the Amended Notice once a week for two consecutive weeks beginning no later than Friday, May 21, 2021. Id. The Company, thereafter, arranged to publish the Amended Notice in 26 newspapers in general circulation throughout its service territory, including but not limited to the Marysville Journal-Tribune in

Union County. Despite diligent efforts by AES Ohio to comply with the Commission's Entry, the Marysville Journal-Tribune published the Amended Notice on May 19, 2021, but did not publish the notice at any point during following week. AES Ohio learned of this omission when compiling proofs of publication from the 26 newspapers. The Amended Notice was published in the remaining 25 newspapers pursuant to the April 29 Entry, as modified by the June 1, 2021 Entry relating to publication in Madison County, Ohio.

Given the statutory requirement to publish notice of this proceeding once a week for two consecutive weeks under R.C. 4909.19(A), AES Ohio requests a waiver of its duty to begin publishing the Amended Notice on or before May 21, 2021 only in Union County. The Company will begin running the Amended Notice in the Marysville Journal-Tribune once a week for two consecutive weeks beginning no later than the second Friday after any Order granting this Motion.

Pursuant to Ohio Adm.Code 4901-1-12(C), AES Ohio requests an expedited ruling on this Motion. Counsel for AES Ohio contacted counsel for Staff and Intervenors on June 28, 2021 at 3:35 p.m. to determine whether they would object to the relief requested in this Motion and whether they would object to expedited consideration of the Motion. AES Ohio certifies that no party expressed any objection, and that The Retail Electric Supply Association expressly stated its non-objection.

Respectfully submitted,

s/ Michael J. Schuler

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**MEMORANDUM IN SUPPORT OF MOTION OF THE DAYTON POWER AND
LIGHT COMPANY D/B/A AES OHIO FOR LIMITED WAIVER REGARDING
PUBLICATION OF NEWSPAPER NOTICE IN UNION COUNTY**

For good cause shown, AES Ohio requests a limited waiver of its duty to begin publishing the Amended Notice approved by the Commission on or before May 21, 2021 in Union County, Ohio.

The Commission has broad authority to prescribe the form for notices of applications to increase rates. Pursuant to R.C. 4909.19(A):

"Upon the filing of any application for increase provided for by section 4909.18 of the Revised Code the public utility shall forthwith publish notice of such application, in a form approved by the public utilities commission, once a week for two consecutive weeks in a newspaper published and in general circulation throughout the territory in which such public utility operates and directly affected by the matters referred to in said application. The notice shall include instructions for direct electronic access to the application or other documents on file with the public utilities commission."

(Emphasis added.)

Similarly, SFR, Chapter II, (B)(7) requires public utilities to include in their applications to increase rates "[a] proposed notice for newspaper publication fully disclosing the substance of the application for increase in rates (identified as Schedule S-3)." The Commission may "waive any requirement of these standard filing requirements, other than a requirement mandated by statute, for good cause shown." SFR, Chapter II, (A)(4)(a). Thus, it cannot waive the requirement to publish "once a week for two consecutive weeks." R.C. 4909.19(A).

Consistent with R.C. 4909.19(A) and SFR, Chapter II, (B)(7), the Company initially proposed the notice reflected in Schedule S-3 of its Application in this proceeding,

which the Commission approved for publication. Apr. 7, 2021 Entry, ¶ 8. However, in light of the Company's recent name change and public health restrictions affecting its ability to provide public access to the Application for physical inspection, the Company proposed the Amended Notice, which the Commission directed the Company to begin publishing on or before May 21, 2021. Apr. 29, 2021 Entry, ¶¶ 8-9.

Following the April 29 Entry, the Company arranged to publish the Amended Notice in 26 newspapers in general circulation throughout its service territory, including but not limited to the Marysville Journal-Tribune in Union County. Despite diligent efforts by AES Ohio to comply with the Commission's Entry, the Marysville Journal-Tribune published the Amended Notice on May 19, 2021, but did not publish the notice at any point during following week. AES Ohio learned of this error when compiling proofs of publication from the 26 newspapers. The Amended Notice was published in the remaining 25 newspapers pursuant to the April 29 Entry, as modified by the June 1, 2021 Entry relating to publication in Madison County, Ohio.

Thus, for good cause shown, AES Ohio requests a waiver of its duty to begin publishing the Amended Notice on or before May 21 in Union County. The Company will run the Amended Notice in the Marysville Journal-Tribune once a week for two consecutive weeks beginning no later than the second Friday after any Order granting this Motion.

As shown in the Motion, AES Ohio seeks expedited treatment of this Motion pursuant to Ohio Adm.Code 4901-1-12(C).

Respectfully submitted,

s/ Michael J. Schuler

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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Motion of The Dayton Power and Light Company d/b/a AES Ohio for a Limited Waiver Regarding Publication of Newspaper Notice in Union County has been served via electronic mail upon the following counsel of record, this 29th day of June, 2021:

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Summary: Motion Motion of The Dayton Power and Light Company D/B/A AES Ohio for Limited Waiver Regarding Publication of Newspaper Notice in Union County *Expedited Treatment Requested* electronically filed by Mr. Jeffrey S Sharkey on behalf of The Dayton Power and Light Company