

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of the Dayton Power and Light Company for Approval of its Plan to Modernize its Distribution Grid.)	Case No. 18-1875-EL-GRD
)	
)	
)	
In the Matter of the Application of the Dayton Power and Light Company for Approval of a Limited Waiver of Ohio Adm. Code 4901:1-18-06(A)(2).)	Case No. 18-1876-EL-WVR
)	
)	
)	
In the Matter of the Application of the Dayton Power and Light Company for Approval of Certain Accounting Methods.)	Case No. 18-1877-EL-AAM
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)	
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
)	
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)	
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
)	
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)	
In the Matter of the Application of The Dayton Power and Light Company for a Finding that its Current Electric Security Plan Passes the Significantly Excessive Earnings Test and the More Favorable in the Aggregate Test in R.C. 4928.143(E).)	Case No. 20-680-EL-UNC
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**MEMORANDUM CONTRA DP&L’S MOTION FOR AN EXTENSION OF TIME
TO FILE ITS OPPOSITION TO OCC’S APPLICATION FOR REHEARING
BY
OFFICE OF THE OHIO CONSUMERS’ COUNSEL**

With consumers continuing to pay unjust and unreasonable charges to DP&L, and no possibility for consumers to be protected until the PUCO rules on OCC's application for rehearing, no delay great or small should be countenanced at this point for this utility. But DP&L wants a four-day delay to oppose OCC's application for rehearing while it charges its consumers \$216,0000 per day for an unlawful stability/POLR charge (the Rate Stabilization Charge). In Dayton, the poverty level is 35%; in Montgomery County, food insecurity is 18%.

The Ohio Consumers' Counsel would like for the PUCO to not lose four days of review toward making a full decision within 30 days of OCC's rehearing application, per R.C. 4903.10. Under these circumstances, there is not "good cause" for DP&L's motion, and it should be denied under O.A.C. 4901-1-13(A).

DP&L has sufficient time to respond to the arguments OCC made on rehearing. That sufficient time is the ten days the PUCO rules provide. (Ohio Adm. Code 4901-1-35(B)). There is no unfairness in requiring DP&L to adhere to the PUCO rules.

Given the real prejudice to consumers that exists and the lack of good cause, the PUCO should deny DP&L's motion to delay its response to OCC's application for rehearing.

Respectfully submitted,

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Ohio Consumers' Counsel

/s/ Christopher Healey

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CERTIFICATE OF SERVICE

I hereby certify that a copy of this Memorandum Contra was served on the persons stated below via electronic transmission this 21st day of July 2021.

/s/ Christopher Healey

Christopher Healey
Assistant Consumers' Counsel

The PUCO's e-filing system will electronically serve notice of the filing of this document on the following parties:

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Summary: Memorandum Memorandum Contra DP&L's Motion for an Extension of Time to File
Its Opposition to OCC's Application for Rehearing by Office of The Ohio Consumers' Counsel
electronically filed by Mrs. Tracy J Greene on behalf of Healey, Christopher