

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

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

SECOND ENTRY ON REHEARING

Entered in the Journal on February 8, 2023

I. SUMMARY

{¶ 1} In this Second Entry on Rehearing, the Commission grants rehearing for the purpose of further consideration of the matters specified in the applications for rehearing.

II. DISCUSSION

{¶ 2} The Dayton Power and Light Company d/b/a AES Ohio (AES Ohio or the Company) is an electric light company and a public utility as defined in R.C. 4905.03 and R.C. 4905.02, respectively. As such, AES Ohio is subject to the jurisdiction of this Commission pursuant to 4905.04, 4905.05, and 4905.06.

{¶ 3} On November 30, 2020, AES Ohio filed an application to increase its electric distribution rates, for accounting authority, and for approval of revised tariffs. The Commission accepted the application as of its filing date by Entry dated April 7, 2021.

{¶ 4} On July 26, 2021, Staff filed its report of investigation (Staff Report) pursuant to R.C. 4909.19. Numerous parties intervened in the proceeding, 14 of which filed timely objections to the Staff Report.

{¶ 5} On August 5, 2021, Ohio Consumers' Counsel (OCC) filed a motion to dismiss the Company's application. On August 20, 2021, AES Ohio filed a memorandum in opposition to the motion to dismiss, and, on August 27, 2021, OCC and Ohio Partners for Affordable Energy filed separate replies in support of the motion to dismiss.

{¶ 6} By Entry dated October 20, 2021, the Commission denied OCC's motion to dismiss. The Commission concluded that the application was ripe for adjudication even though implementation of any approved change in rates could be stayed as part of the Commission's determination of the legal issues presented in the case.

{¶ 7} On December 15, 2021, the Commission issued an Entry on Rehearing denying OCC's timely application for rehearing of the October 20, 2021 Entry.

{¶ 8} An evidentiary hearing was held beginning on January 25, 2022, and concluding on February 7, 2022.¹

{¶ 9} On December 14, 2022, the Commission issued an Opinion and Order approving AES Ohio's application to the extent provided in the Order.

{¶ 10} Pursuant to R.C. 4903.10, any party to a Commission proceeding may apply for rehearing with respect to any matters determined by the Commission within 30 days after the Commission's order is journalized.

{¶ 11} On January 13, 2023, AES Ohio, OCC, and Interstate Gas Supply, Inc. (IGS) each filed an application for rehearing of the Commission's Opinion and Order. Subsequently, on January 23, 2023, AES Ohio filed a memorandum in opposition to the applications for rehearing filed by OCC and IGS. Similarly, OCC filed a memorandum contra the applications for rehearing filed by IGS and AES Ohio. Also on January 23, 2023,

¹ On October 26, 2021—the originally scheduled hearing date publicly noticed by the Company—the evidentiary record was opened, immediately adjourned, and continued to a future date.

The Ohio Manufacturers' Association Energy Group and The Kroger Co. filed a joint memorandum contra the application for hearing filed by AES Ohio.

{¶ 12} Upon review, the Commission finds that sufficient reason has been set forth by the parties to warrant further consideration of the matters specified in the applications for rehearing. Accordingly, the applications for rehearing filed by AES Ohio, IGS, and OCC should be granted for the purpose of further consideration of the matters specified within the applications for rehearing.

III. ORDER

{¶ 13} It is, therefore,

{¶ 14} ORDERED, That the applications for rehearing filed by AES Ohio, OCC, and IGS be granted for further consideration of the matters specified therein. It is, further,

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

COMMISSIONERS:

Approving:

Jenifer French, Chair
M. Beth Trombold
Lawrence K. Friedeman
Daniel R. Conway
Dennis P. Deters

PAS/hac

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in

Case No(s). 20-1651-EL-AIR, 20-1652-EL-AAM, 20-1653-EL-ATA

Summary: Entry that in this Second Entry on Rehearing, the Commission grants rehearing for the purpose of further consideration of the matters specified in the applications for rehearing electronically filed by Ms. Donielle M. Hunter on behalf of Public Utilities Commission of Ohio