**Before**

**The Public Utilities Commission Of Ohio**

In the Matter of the Application of )

The Dayton Power and Light Company ) Case No. 12-426-EL-SSO

for Approval of Its Market Rate Offer. )

In the Matter of the Application of )

The Dayton Power and Light Company ) Case No. 12-427-EL-ATA

for Approval of Revised Tariffs. )

In the Matter of the Application of )

The Dayton Power and Light Company ) Case No. 12-428-EL-AAM

for Approval of Certain Accounting )

Authority. )

In the Matter of the Application of )

The Dayton Power and Light Company ) Case No. 12-429-EL-WVR

for Waiver of Certain Commission Rules. )

In the Matter of the Application of )

The Dayton Power and Light Company ) Case No. 12-672-EL-RDR

to Establish Tariff Riders. )

**Industrial Energy Users-Ohio’s**

**Notice of Additional Authority – Mandate of**

**the Ohio Supreme Court**

Frank P. Darr (Reg. # 0025469)

(Counsel of Record)

Matthew R. Pritchard (Reg. # 0088070)

McNees Wallace & Nurick LLC

21 East State Street, 17TH Floor

Columbus, OH 43215

Telephone: (614) 469-8000

Telecopier: (614) 469-4653

fdarr@mwncmh.com

mpritchard@mwncmh.com

July 6, 2016 Attorneys for Industrial Energy Users-Ohio

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**Industrial Energy Users-Ohio’s**

**Notice of Additional Authority – Mandate of**

**the Ohio Supreme Court**

On June 20, 2016, the Supreme Court of Ohio issued a decision that reversed the Public Utilities Commission of Ohio’s (“Commission”) authorization of The Dayton Power and Light Company’s (“DP&L”) Service Stability Rider (“SSR”). *In re Application of Dayton Power & Light Co.*, Slip Opinion No. 2016-Ohio-3490. Based on the Court’s decision and to prevent further injury to customers, Industrial Energy Users-Ohio (“IEU‑Ohio”) and the Office of the Ohio Consumers’ Counsel (“OCC”) filed a motion seeking an order vacating the authorization of the SSR (“Motion to Vacate Authorization of the SSR”) on June 21, 2016. DP&L opposed the Motion to Vacate Authorization of the SSR on the ground that the Commission did not have jurisdiction until the Court issued a mandate. Memorandum of The Dayton Power and Light Company in Opposition to the Motion of Industrial Energy Users-Ohio and the Office of the Ohio Consumers’ Counsel for an Order Vacating the Authorization of the Service Stability Rider at 2 (June 28, 2016).

This Notice of Additional Authority is in support of the Motion to Vacate Authorization of the SSR. On July 6, 2016, the Clerk of the Court issued the Mandate. *See* Supreme Court of Ohio, Case Information, Docket 2014-1505, available at: <http://www.supremecourt.ohio.gov/Clerk/ecms/#/caseinfo/2014/1505>. Based on the Mandate, DP&L’s jurisdictional argument is now without merit and moot. Therefore, the Commission must issue orders vacating authorization of the SSR and directing DP&L to modify the SSR tariff sheets to terminate billing and collection of the SSR.

Respectfully submitted,

*/s/ Matthew R. Pritchard*

Frank P. Darr (Reg. # 0025469)

(Counsel of Record)

Matthew R. Pritchard (Reg. # 0088070)

McNees Wallace & Nurick LLC

21 East State Street, 17TH Floor

Columbus, OH 43215

Telephone: (614) 469-8000

Telecopier: (614) 469-4653

fdarr@mwncmh.com

mpritchard@mwncmh.com

Attorneys for Industrial Energy Users-Ohio

Certificate of Service

In accordance with Rule 4901-1-05, Ohio Administrative Code, the PUCO's e‑filing system will electronically serve notice of the filing of this document upon the following parties. In addition, I hereby certify that a service copy of the foregoing *Industrial Energy Users-Ohio’s Notice of Additional Authority – Mandate of the Ohio Supreme Court* was sent by, or on behalf of, the undersigned counsel for IEU-Ohio to the following parties of record this 6th day of July 2016, *via* electronic transmission.

*/s/ Matthew R. Pritchard*

Matthew R. Pritchard

judi.sobecki@dplinc.com

randall.griffin@dplinc.com

cfaruki@ficlaw.com

jsharkey@ficlaw.com

arthur.meyer@dplinc.com

dboehm@BKLlawfirm.com

mkurtz@BKLlawfirm.com

grady@occ.state.oh.us

etter@occ.state.oh.us

serio@occ.state.oh.us

amy.spiller@duke-energy.com

jeanne.kingery@duke-energy.com

philip.sineneng@ThompsonHine.com

bmcmahon@emh-law.com

elizabeth.watts@duke-energy.com

rocco.d’ascenzo@duke-energy.com

ricks@ohanet.org

mwarnock@bricker.com

dborchers@bricker.com

gary.a.jeffries@dom.com

drinebolt@ohiopartners.org

cmooney2@columbus.rr.com

whitt@whitt-sturtevant.com

campbell@whitt-sturtevant.com

glover@whitt-sturtevant.com

vparisi@igsenergy.com

barthroyer@aol.com

trent@theoec.org

williams.toddm@gmail.com

ejacobs@ablelaw.org

smhoward@vorys.com

david.fein@constellation.com

cynthia.a.fonner@constellation.com

Tasha.hamilton@constellation.com

Tony\_Long@ham.honda.com

Stephen.bennett@exeloncorp.com

rbrundrett@ohiomfg.com

dconway@porterwright.com

aemerson@porterwright.com

haydenm@firstenergycorp.com

jlang@calfee.com

lmcbride@calfee.com

talexander@calfee.com

dakutik@jonesday.com

aehaedt@jonesday.com

jejadwin@aep.com

christopher.miller@icemiller.com

gregory.dunn@icemiller.com

alan.starkoff@icemiller.com

chris.michael@icemiller.com

ssolberg@EimerStahl.com

philip.sineneng@ThompsonHine.com

mjsatterwhite@aep.com

stnourse@aep.com

bojko@carpenterlipps.com

Mohler@carpenterlipps.com

sechler@carpenterlipps.com

gpoulos@enernoc.com

william.wright@ohioattorneygeneral.gov

thomas.lindgren@ohioattorneygeneral.gov

thomas.mcnamee@ohioattorneygeneral.gov

werner.margard@ohioattorneygeneral.gov

steven.beeler@puc.state.oh.us

devin.parram@puc.state.oh.us

gregory.price@puc.state.oh.us

mandy.willey@puc.state.oh.us

bryce.mckenney@puc.state.oh.us

henryeckhart@aol.com

Wis29@yahoo.com

bill.wells@wpafb.af.mil

chris.thompson.2@tyndall.af.mil

mchristensen@columbuslaw.org

stephen.chriss@wal-mart.com