**Before**

**The Public Utilities Commission of Ohio**

In the Matter of the Application of )

The Dayton Power and Light Company ) Case No. 13-2420-EL-UNC

for Authority to Transfer or Sell Its )

Generation Assets. )

**Industrial Energy Users-Ohio’s**

**Reply Comments on The Dayton Power and Light Company’s**

**Amended Supplemental Application**

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**July 15, 2014 Attorneys for Industrial Energy Users-Ohio**

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**Reply Comments on The Dayton Power and Light Company’s**

**Amended Supplemental Application**

Pursuant to the Attorney Examiner’s May 30, 2014 Entry, Industrial Energy Users-Ohio (“IEU-Ohio”) hereby submits Reply Comments on the Amended Supplemental Application filed by The Dayton Power and Light Company (“DP&L”) on May 23, 2014, in the above-captioned matter. IEU-Ohio continues to support a divestiture of DP&L’s generating assets under lawful and reasonable terms and conditions. As demonstrated in IEU-Ohio’s Comments filed in this matter on June 30, 2014, the Amended Supplemental Application proposes an asset divestiture under terms and conditions that are not lawful, just, reasonable, or in the public interest. The comments filed by other parties on June 30, 2014 unanimously opposed the terms and conditions proposed in the Amended Supplemental Application.

Since parties filed the initial comments, The AES Corporation (“AES”), DP&L’s parent company, has provided additional information that affects DP&L’s application. On July 14, 2014, AES announced that DP&L would not sell its generating assets to a third party.[[1]](#footnote-1) Instead, AES indicated that all of the generating units would be transferred to an affiliated company by January 1, 2017.[[2]](#footnote-2) Thus, it appears that the Track 2 option contained in the Amended Supplemental Application has been removed from DP&L’s proposed asset divestiture.

Accordingly, IEU-Ohio again requests that the Public Utilities Commission of Ohio (“Commission”) reject the unlawful and unreasonable terms and conditions contained in the Amended Supplemental Application. If the unlawful and unreasonable terms and conditions are not rejected outright by the Commission, the Commission should find that the Amended Supplemental Application is on its face unjust, unreasonable, and contrary to the public interest and set the matter for a hearing in accordance with its rules.

Respectfully submitted,

 */s/ Matthew R. Pritchard*

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**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 Reply Comments on The Dayton Power and Light Company’s Amended Supplemental Application* was sent by, or on behalf of, the undersigned counsel for IEU-Ohio to the following parties of record this 15th day of July 2014, *via* electronic transmission.

/s/ Matthew R. Pritchard

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1. http://investor.aes.com/phoenix.zhtml?c=76149&p=irol-newsArticle&ID=1947047&highlight. [↑](#footnote-ref-1)
2. *Id.* [↑](#footnote-ref-2)