**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**

Samuel C. Randazzo

(Counsel of Record)

(Reg. No. 0016386)

Frank P. Darr (Reg. No. 0025469)

Matthew R. Pritchard (Reg. No. 0088070)

McNees Wallace & Nurick LLC

21 East State Street, 17TH Floor

Columbus, OH 43215

Telephone: (614) 469-8000

Telecopier: (614) 469-4653

sam@mwncmh.com

(willing to accept service by e-mail)

fdarr@mwncmh.com

(willing to accept service by e-mail)

mpritchard@mwncmh.com

(willing to accept service by e-mail)

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

**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**

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*

Samuel C. Randazzo (Counsel of Record) (Reg. No. 0016386)

Frank P. Darr (Reg. No. 0025469)

Matthew R. Pritchard (Reg. No. 0088070)

McNees Wallace & Nurick LLC

21 East State Street, 17TH Floor

Columbus, OH 43215

Telephone: (614) 469-8000

Telecopier: (614) 469-4653

sam@mwncmh.com

(willing to accept service by e-mail)

fdarr@mwncmh.com

(willing to accept service by e-mail)

mpritchard@mwncmh.com

(willing to accept service by e-mail)

**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 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

Matthew R. Pritchard

Judi L. Sobecki

The Dayton Power & Light Company

1065 Woodman Drive

Dayton, Ohio 45432

judi.sobecki@dplinc.com

Charles J. Faruki

Jeffrey S. Sharkey

Faruki Ireland & Cox P.L.L.

500 Courthouse Plaza, S.W.

10 North Ludlow Street

Dayton, Ohio 45402

cfaruki@ficlaw.com

jsharkey@ficlaw.com

**On Behalf of The Dayton Power and Light Company**

Bruce J. Weston

Edmund Berger

Maureen R. Grady

Assistant Consumers’ Counsel

Office of the Ohio Consumers’ Counsel

10 West Broad Street, Suite 1800

Columbus, Ohio 43215-3485

edmund.berger@occ.ohio.gov

maureen.grady@occ.ohio.gov

**On Behalf of the Office of the Ohio Consumers’ Counsel**

Kimberly W. Bojko

Mallory M. Mohler

Carpenter Lipps & Leland LLP

280 Plaza, Suite 1300

280 North High Street

Columbus, Ohio 43215

Bojko@carpenterlipps.com

Mohler@carpenterlipps.com

**Oh Behalf of Ohio Manufacturers’ Association Energy Group**

Rocco D'Ascenzo

Duke Energy Ohio, Inc.

139 East Fourth Street – 1303 Main

Cincinnati, Ohio 45202

Rocco.d'ascenzo@duke-energy.com

**On Behalf of Duke Energy Ohio, Inc.**

Anne M. Vogel

American Electric Power Service Corporation

155 W. Nationwide Blvd., Suite 500

Columbus, Ohio 43215

amvogel@aep.com

**On Behalf of AEP Generation Resources, Inc.**

David F. Boehm

Michael L. Kurtz

Jody Kyler Cohn

Boehm, Kurtz & Lowry

36 East Seventh Street, Suite 1510

Cincinnati, Ohio 45202

dboehm@bkllawfirm.com

mkurtz@bkllawfirm.com

jkylercohn@bkllawfirm.com

**On Behalf of Ohio Energy Group**

Mark A. Whitt

Andrew J. Campbell

Gregory L. Williams

Whitt Sturtevant LLP

88 East Broad Street

Columbus, Ohio 43215

whit@whitt-sturtevant.com

Campbell@whitt-sturtevant.com

Williams@whitt-sturtevant.com

Vincent Parisi

Lawrence Friedeman

Matthew White

Interstate Gas Supply, Inc.

6100 Emerald Parkway

Dublin, Ohio 43016

vparisi@igsenergy.com

lfriedeman@igsenergy.com

mswhite@igsenergy.com

**On Behalf of Interstate Gas Supply, Inc.**

Colleen L. Mooney

Ohio Partners for Affordable Energy

231 West Lima Street

P.O. Box 1793

Findlay, OH 45840

cmooney@ohiopartners.org

**On Behalf of Ohio Partners for Affordable Energy**

Mark A. Hayden

FirstEnergy Service Company

76 South Main Street

Akron, OH 44308

haydenm@firstenergycorp.com

James F. Lang

N. Trevor Alexander

Calfee, Halter & Griswold LLP

The Calfee Building

1405 East Sixth Street

Cleveland, OH 44114

jlang@calfee.com

talexander@calfee.com

**On Behalf of FirstEnergy Solutions Corp.**

M. Howard Petricoff

Gretchen L. Petrucci

Vorys, Sater, Seymour and Pease LLP

52 E. Gay Street

Columbus, OH 43216-1008

mhpetricoff@vorys.com

glpetrucci@vorys.com

**On Behalf of the Retail Energy Supply Association**

Christopher A. Walker (Reg. No. 0040696)

Van Kley & Walker, LLC

137 N. Main St., Suite 316

Dayton, Ohio 45402

cwalker@vankleywalker.com

**On Behalf of the City of Miamisburg**

Joseph M. Clark (Counsel of Record)

Direct Energy

21 East State Street, 19th Floor

Columbus, Ohio 43215

joseph.clark@directenergy.com

**On Behalf of Direct Energy Services, LLC and Direct Energy Business, LLC**

Amy B. Spiller

Deputy General Counsel

Jeanne Kingery (Counsel of Record)

Associate General Counsel

Duke Energy Commercial Asset

Management, Inc.

139 East Fourth Street

1303-Main

Cincinnati, Ohio 45202

amy.spiller@duke-energy.com

jeanne.kingery@duke-energy.com

**On Behalf of Duke Energy Commercial Asset Management, Inc.**

Thomas W. McNamee

Assistant Attorney General

Public Utilities Section

180 East Broad Street, 6th Floor

Columbus, OH 43215-3793

thomas.mcnamee@puc.state.oh.us

**On Behalf of the Staff of the Public Utilities Commission of Ohio**

Bryce A. McKenney

Gregory Price

Attorney Examiners

Public Utilities Commission of Ohio

180 East Broad Street

Columbus, OH 43215

bryce.mckenney@puc.state.oh.us

greg.price@puc.state.oh.us

**Attorney Examiners**

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