**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

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| In the Matter of Application of the Dayton Power and Light Company to Establish a Fuel Rider. | :  :  : | Case No. 12-2881-EL-FAC |

**MEMORANDUM CONTRA**

**MOTION OF DAYTON POWER AND LIGHT COMPANY**

**FOR MODIFICATION OF THE PROCEDURAL SCHEDULE**

SUBMITTED ON BEHALF OF THE STAFF OF

THE PUBLIC UTILITIES COMMISSION OF OHIO

# Argument

The Staff opposes DP&L’s motion to modify the procedural schedule. The reason is quite simple. There is no reason to change. The Commission has used the same pro­cedure, simultaneous filing, in many situations for years. This procedure was used in the former EFC proceedings and is still used in GCR and rate cases. Put simply, it is a sys­tem that works.

Not only does it work but it works expeditiously. Altering the procedural schedule as advocated by DP&L, if adopted as the general rule, would stretch out the process applicable in all cases. There is no reason to add this additional time to cases.

It should be recognized that it is possible that unanticipated issues could arise which require some opportunity for rebuttal. That is the purpose of rebuttal testimony. Should that issue arise, and in Staff’s experience it is quite rare, it can be dealt with then, when there is a real dispute that can be analyzed and discussed. Again this approach has been successfully used in Commission cases for years. There is no reason to depart from it.

# Conclusion

When something works, leave it alone. We have a system that works, let’s keep it.

Respectfully submitted,

**William L. Wright**

Section Chief

/s/ Thomas W. McNamee

**Thomas W. McNamee**

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**Counsel for the Staff of  
 The Public Utilities Commission of Ohio**

# PROOF OF SERVICE

I hereby certify that a true copy of the foregoing **Memorandum Contra Motion of Dayton Power and Light Company for Modification of the Procedural Schedule** submitted on behalf of the Staff of the Public Utilities Commis­sion of Ohio was served via electronic mail upon the following Parties of Record this 9th day of October, 2013.

/s/ Thomas W. McNamee

**Thomas W. McNamee**

Assistant Attorney General

**Parties of Record:**

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