

FILE

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of AT&T)	
Ohio,)	
)	
Complainant,)	
)	
v.)	Case No. 06-1509-EL-CSS
)	
The Dayton Power and Light Company,)	
)	
Respondent.)	

ENTRY

The attorney examiner finds:

- (1) On December 28, 2006, AT&T Ohio filed a complaint against The Dayton Power and Light Company (DP&L). AT&T Ohio alleges that DP&L breached the Joint Pole Line Agreement that was entered into between the parties in 1930, as supplemented in 1942, and revised in 1995, and, therefore, DP&L received unjust enrichment.
- (2) By Entry issued March 28, 2007, in this matter, the Commission concluded, *inter alia*, that AT&T Ohio is a proper party to bring this complaint under Section 4905.26, Revised Code, and that AT&T Ohio stated reasonable grounds for complaint. Therefore, a settlement conference was scheduled in this matter.
- (3) The settlement conference was held on April 24, 2007. The parties reconvened on May 14, 2007, to continue settlement discussions. At the May 14, 2007, conference, a settlement was not reached and, therefore, the parties met with the attorney examiner to establish a procedural schedule. The procedural schedule and deadlines agreed to by the parties are as follows:
 - (a) May 24, 2007 - AT&T Ohio will file its amended complaint.
 - (b) June 7, 2007 - DP&L will file its answer to AT&T Ohio's amended complaint. DP&L will file its counterclaims.

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- (c) June 18, 2007 – AT&T Ohio will file its answer to DP&L's counterclaims.
- (d) August 10, 2007 – All discovery responses must be provided and all depositions completed by this date.
- (e) August 31, 2007 – All testimony to be presented at the hearing must be filed by this date.
- (f) September 18, 2007 – The hearing will commence at 9:30 a.m., at the offices of the Commission, 180 East Broad Street, Columbus, Ohio 43215, 11th floor, hearing room C.
- (g) Discovery – Parties will respond to discovery requests within 10 calendar days.
- (h) Motions – Response times for motions will be:
 - (i) Any party wishing to file a memorandum contra a pending motion must do so within five business days after service of a motion.
 - (ii) Any party wishing to file a reply to a memorandum contra a pending motion must do so within four business days after service of the memorandum contra.
 - (iii) The parties will serve motions by electronic means.
 - (iv) Rule 4901-1-07, Ohio Administrative Code, which provides an additional three days' time, where service is made by mail, will not apply.

It is, therefore,

ORDERED, That the procedural schedule and deadlines set forth above be observed by the parties. It is, further,

ORDERED, That copies of this entry be served upon all parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO



By: Christine M.T. Pirik
Attorney Examiner

 JRM

Entered in the Journal

MAY 21 2007



Renee J. Jenkins
Secretary