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BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO

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In the Matter of the Application of	)	
The Dayton Power and Light Company for	)	
Approval of Its Electric Security Plan	)	Case Nos. 08-1094-EL-SSO
	)	
In the Matter of the Application of	)	
The Dayton Power and Light Company for	)	
Approval of Revised Tariffs	)	Case Nos. 08-1095-EL-ATA
	)	
In the Matter of the Application of	)	
The Dayton Power and Light Company for	)	
Approval of Certain Accounting Authority	)	Case Nos. 08-1096-EL-AAM
Pursuant to Ohio Rev. Code § 4905.13	)	
	)	
In the Matter of the Application of	)	
The Dayton Power and Light Company for	)	Case Nos. 08-1097-EL-UNC
Approval of Its Amended Corporate	)	
Separation Plan	)	
	)	

REPLY OF HONDA OF AMERICA MFG., INC.  
AND CARGILL, INCORPORATED  
TO THE DP&L MEMORANDUM IN OPPOSITION

Honda of America Mfg., Inc. ("Honda") and Cargill, Incorporation ("Cargill"), respectfully submit this Reply to the Dayton Power and Light Company ("DP&L") December 31, 2008 Memorandum in Opposition to the requested two week extension of time for the remainder of the procedural schedule in these matters. Honda and Cargill explained in their Joint Motion that each are still assessing the impact of DP&L's ESP plan which included the December 5, 2008 Supplement. Honda and Cargill have not completed their reviews because of the unavailability of certain key staff members during this holiday period. Further, the Commission has recently issued two important Opinions and Orders addressing the ESP plans of Duke and FirstEnergy. DP&L does not deny any of these facts.

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DP&L argues that Honda and Cargill have been inactive because neither has conducted any discovery. Of course, the deadline for discovery passes on January 16, 2009, or four days after the due date for intervenor testimony.<sup>1</sup> Also, DP&L offered no new or updated information at the December 15, 2008 technical conference. Since its interventions by December 10, 2008, Honda and Cargill continue to analyze the application and the supplement, as well as the recent Commission orders in other ESP cases, in order to prepare discovery requests and testimony in this proceeding.<sup>2</sup> Honda and Cargill are not alone in seeking procedural delays in this proceeding because the holiday season has made certain key staff members unavailable. DP&L itself has requested extensions of time to respond to OCC's discovery because it did not have key members of its staff available during this recent holiday season. Further, DP&L made its witnesses unavailable for depositions during the holidays, with deposition dates for January 2009 still undetermined.<sup>3</sup>

DP&L also complains that the Honda and Cargill proposed schedule will not leave sufficient time for the Commission to consider the issues before issuing an order. This is not true. In Case No. 08-935-EL-SSO, the Reply Briefs were filed on December 12, 2008 and the Commission issued its Opinion and Order on December 19, 2008.

In addition, while DP&L correctly calculated that the evidentiary hearing in Case No. 08-935-EL-SSO took place seventy-eight days after FirstEnergy's initial filing, FirstEnergy, unlike DP&L, did not make a supplemental filing fifty-six days after the application. A February 9th hearing date would be only sixty-seven days after the DP&L supplemental filing and fifty-seven days after the technical conference. Given the fact that hearings in the FirstEnergy, Duke, and

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<sup>1</sup> Case No. 08-1094-EL-SSO, et al. Entry, dated Nov. 26, 2008, pg. 2.

<sup>2</sup> It appears DP&L must still respond to three sets of discovery by Consumer's Counsel, and one by IEUO.

<sup>3</sup> Email, dated December 23, 2008 from DP&L counsel Sharkey to the parties.

AEP cases all began prior to Thanksgiving Day, the Honda and Cargill proposed schedule in this case is certainly reasonable and supported by other intervenors.

Honda and Cargill submit that good cause exists for granting the requested extension.

WHEREFORE, Honda and Cargill respectfully request that the Commission grant their Joint Motion for a Two Week Extension.

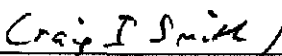
Respectfully Submitted,



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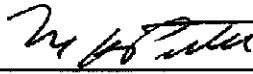
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### **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and accurate copy of the foregoing document was served this 5<sup>th</sup> day of January, 2009 by electronic mail or, where no e-mail address is available, by regular U.S. mail, postage prepaid, upon the persons listed below.



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