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FILE

January 29, 2009

VIA FEDERAL EXPRESS

Public Utilities Commission of Ohio
Attention: Renee Jenkins
Docketing Division
180 E. Broad Street
10th Floor
Columbus, OH 43215

RE: DP&L ESP Filing
Case No. 08-1094-EL-SSO

PUCO

2009 JAN 30 AM 11:16

RECEIVED-DOCKETING DIV

Dear Ms. Jenkins:

Enclosed are an original and twenty (20) copies of the Memorandum of The Dayton Power and Light Company in Response to the Motion for Local Public Hearings by The Office of the Ohio Consumers' Counsel in the above-captioned matter.

Very truly yours,

R. Holtzman Hedrick

R. Holtzman Hedrick

RHH/tes
Enclosures

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BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of	:	Case No. 08-1094-EL-SSO
The Dayton Power and Light Company for	:	
Approval of Its Electric Security Plan	:	
	:	
In the Matter of the Application of	:	Case No. 08-1095-EL-ATA
The Dayton Power and Light Company for	:	
Approval of Revised Tariffs	:	
	:	
In the Matter of the Application of	:	Case No. 08-1096-EL-AAM
The Dayton Power and Light Company for	:	
Approval of Certain Accounting Authority	:	
Pursuant to Ohio Rev. Code Section 4905.13	:	
	:	
In the Matter of the Application of	:	Case No. 08-1097-EL-UNC
The Dayton Power and Light Company for	:	
Approval of Its Amended Corporate	:	
Separation Plan	:	

**MEMORANDUM OF THE DAYTON POWER AND LIGHT COMPANY
IN RESPONSE TO THE MOTION FOR LOCAL PUBLIC HEARINGS BY
THE OFFICE OF THE OHIO CONSUMERS' COUNSEL**

The Dayton Power and Light Company ("DP&L") agrees that public hearings should be scheduled. DP&L responds to three proposals in the Motion of The Office of the Ohio Consumers' Counsel:

(1) OCC proposes to hold public hearings in Dayton, Wilmington, and Washington Courthouse, Ohio. Motion, p. 5. Wilmington and Washington Courthouse, however, are both located south of Dayton. For better geographic balance, the Commission should not conduct a public hearing in Wilmington, but instead should conduct a public hearing in Troy, Ohio, so that consumers from the northern portion of DP&L's service territory can be heard.

(2) Why should the notice of the public hearings in the DP&L case be so different from the notices in the other utilities' cases? DP&L objects to OCC's argumentative list of "major issues" to be included in the notice to customers of the hearings. Motion, pp. 5-6. Several of the "major issues" listed by OCC pose biased questions with negative connotations towards DP&L. No such list of "major issues" should accompany the public hearing notice. Instead, and in accordance with other recent ESP cases, DP&L proposes that the Commission issue a neutral notice to customers, such as the "Proposed Notice of Public Hearing" made part of DP&L's ESP Application (attached as Exhibit 1).

(3) No legal authority exists for the OCC's request that published notice be given "at least 30 days" prior to the local hearing. Motion, p. 6. This arbitrary and unnecessarily long lead time is not required by statute or Commission rule. Ohio Rev. Code § 4928.141(B); Ohio Admin. Code § 4901:1-35-06(A).

DP&L requests that the Commission schedule public hearings consistent with this response.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Memorandum of The Dayton Power and Light Company in Response to the Motion for Local Public Hearings by The Office of the Ohio Consumers' Counsel, has been served via electronic mail upon the following counsel of record, this 28th day of January, 2009:

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R. Holtzman Hedrick

In the Matter of the Application of
The Dayton Power and Light Company for Approval of Its Electric Security Plan

Case No. 08-1094-EL-SSO, et al.

PROPOSED NOTICE OF PUBLIC HEARING

The Public Utilities Commission of Ohio ("PUCO") has scheduled local hearings in Case No. 08-1094-EL-SSO, In the Matter of the Application of The Dayton Power and Light Company, for Approval of Its Electric Security Plan. The purpose of these hearings will be to address the application of the Dayton Power & Light Company ("DP&L") for approval of its Electric Security Plan ("ESP"). The hearings will be open to the public, and any person may ask to become a party to the proceeding by filing a motion to intervene with the PUCO under PUCO Case No. 08-1094-EL-SSO. DP&L's ESP is described below.

DP&L has in place a rate plan approved by the PUCO in 2005, that will continue through December 31, 2010. That rate plan sets the rates that DP&L charges to its customers for electric service. DP&L's ESP provides that the rate plan will remain unchanged through December 31, 2010.

In addition, Ohio law was recently amended to set certain energy efficiency and peak demand reduction targets designed to reduce electric energy usage and demand in Ohio. DP&L intends to achieve these targets through a set of Customer Conservation and Energy Management ("CCEM") Programs. These CCEM Programs include the installation of Advanced Metering Infrastructure and Smart Grid technology, which will create savings opportunities for customers, increase efficiency, strengthen reliability, and enable real-time communication between customers and the DP&L distribution system. DP&L's CCEM Plan also includes a

number of energy efficiency programs that will assist customers in reducing their energy usage, such as discounts on energy efficient lighting, appliances, and air conditioning tune ups.

Also, Ohio law was recently amended to encourage the use of alternative energy resources including renewable energy in Ohio. Renewable energy includes solar energy, wind energy, hydroelectric energy and geothermal energy. DP&L expects to achieve the statutory alternative energy targets by purchasing renewable energy credits, purchasing power from renewable energy facilities, and, if economical, construction of new generation.

In its Application, DP&L seeks recovery of the amounts that it will spend to comply with the new energy efficiency, alternative energy, and economic development requirements in Ohio law.

Local Public hearings on DP&L's ESP will be held as follows:

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