

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of The)
Dayton Power and Light Company for)
Approval of its Billing and Payment for) Case No. 09-755-EL-ATA
Electric Service Tariff and its)
Miscellaneous Service Charges Tariff.)

In the Matter of the Commission's)
Review of Chapters 4901:1-10, 4901:1-21,) Case No. 06-653-EL-ORD
4901:1-22, 4901:1-23, 4901:1-24, and)
4901:1-25 of the Ohio Administrative)
Code.)

FINDING AND ORDER

The Commission finds:

- (1) Dayton Power and Light Company (DP&L) is a public utility as defined in Section 4905.02, Revised Code, and, as such, is subject to the jurisdiction of this Commission.
- (2) On November 5, 2008, in Case No. 06-653-EL-ORD, the Commission adopted revised Electric Service and Safety Standards (ESSS) in Chapter 4901:1-10 of the Ohio Administrative Code (O.A.C).
- (3) On May 6, 2009, the Commission issued an entry on rehearing in Case No. 06-653-EL-ORD, which ordered the electric utilities to file applications to revise their tariffs to be consistent with the revised rules within 60 days of their effective date. The ESSS rules became effective on June 29, 2009.
- (4) On September 24, 2009, DP&L filed revised tariff sheets D2, D5, and D26, in the form of an application in Case Nos. 09-755-EL-ATA and 06-653-EL-ORD. In its application, DP&L revised its tariff sheets associated with billing and payment for electric service and miscellaneous service charges in order to implement a new hospital net metering tariff and extend the amount of usage and payment history from 12 to 24 months that DP&L customers can request free

of charge per Rule 4901:1-10-24(F)(1), O.A.C. In addition, DP&L also included a new Engineering Studies charge to its list of miscellaneous charges on tariff sheet D26. The new charge is to accommodate customers' requests for DP&L to conduct an engineering study, which is a result of the new Occupational Safety and Health Administration (OSHA) Arc Flash regulations that require commercial and industrial electric consumers to complete an electric hazard assessment and safety plan for workers in proximity to electric facility

- (5) On October 14, 2009, DP&L filed amended tariff sheets.
- (6) The Commission has reviewed DP&L's September 24, 2009, application to revise its tariff sheets D2, D5, and D26 and its amended tariff sheets filed on October 14, 2009, and finds that the modified tariff provisions filed pursuant to Section 4909.18, Revised Code, comply with the requirements of Chapter 4901:1-10, O.A.C., are not for an increase in any rate, and do not appear to be unjust and unreasonable. Therefore, we find that the application, as amended, should be approved.

It is, therefore,

ORDERED, That DP&L's application to revise its tariff, as filed on September 24, 2009, and amended on October 14, 2009, be approved. It is, further,

ORDERED, That DP&L is authorized to file, in final form, four complete copies of the tariff, consistent with this finding and order. DPL shall file one copy in its TRF docket (or may make such filing electronically as directed in Case No. 06-900-AU-WVR) and one copy in this case docket. The remaining two copies shall be designated for distribution to the Rates and Tariffs, Energy and Water Division of the Commission's Utilities Department. It is, further,


ORDERED, That DP&L shall notify all affected customers via a bill message, via a bill insert, or via a separate mailing within 30 days of the effective date of the tariff. A copy of the customer notices shall be submitted to the Commission's Service Monitoring and Enforcement Department, Reliability and Service Analysis Division, at least 10 days prior to its distribution to customers. It is, further,

ORDERED, That the effective date of the new tariff shall be a date not earlier than both the date of this finding and order and the date upon which a final tariff is filed with the Commission. It is, further,

ORDERED, That nothing in this finding and order shall be binding upon this Commission in any future proceeding or investigation involving the justness or reasonableness of any rate, charge, rule, or regulation. It is, further,

ORDERED, That a copy of this finding and order be served upon DP&L and all parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO




Alan R. Schriber, Chairman



Paul A. Centolella



Ronda Hartman Fergus



Valerie A. Lemmie

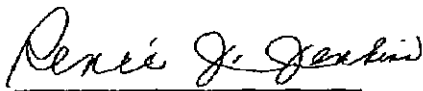


Cheryl L. Roberto

BJB/sm

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OCT. 28 2009



Renee J. Jenkins

Renee J. Jenkins
Secretary