

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of )  
The Dayton Power & Light Company ) Case No. 09-1012-EL-FAC  
to Establish a Fuel Rider. )

FINDING AND ORDER

The Commission finds:

- (1) The Dayton Power & 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 October 30, 2009, DP&L filed an application to establish a fuel rider pursuant to the stipulation approved by the Commission in DP&L's electric security plan (ESP) proceeding. *In the Matter of the Application of The Dayton Power & Light Company For Approval of its Electric Security Plan, Case No. 08-1094-EL-SSO, et al., Opinion and Order (June 24, 2009).* The stipulation provided for DP&L to implement an avoidable fuel recovery rider to recover fuel and purchased power costs and required DP&L to make a filing with the Commission no later than November 1, 2009, to establish the fuel rider that would become effective January 1, 2010.
- (3) Motions to intervene were filed on December 3, 2009, by the Office of the Ohio Consumers' Counsel (OCC) and on December 11, 2009, by Industrial Energy Users-Ohio (IEU-Ohio). No memorandum contra was filed.
- (4) Upon consideration, the Commission finds that the motion to intervene filed by OCC and IEU-Ohio are reasonable and should be granted.
- (5) The Commission finds that DP&L's proposed fuel rider is consistent with the stipulation filed in its ESP proceeding, does not appear to be unjust or unreasonable, and should be approved. Therefore, the Commission finds that it is unnecessary to hold a hearing in this matter. Notwithstanding the approval of the fuel rider to establish new rates beginning with bills rendered for the first billing cycle of 2010, all fuel

rider costs are subject to the annual audit and fuel rider audit process established by the Commission in DP&L's ESP proceedings.

- (6) Furthermore, the Commission finds that this case, which was originally docketed as Case No. 09-1012-EL-UNC, is more appropriately docketed with the FAC purpose code, as it specifically addresses fuel adjustment clauses. Accordingly, now and hereafter, Case No. 09-1012-EL-UNC should be designated as Case No. 09-1012-EL-FAC.

It is, therefore,

ORDERED, That the application filed by DP&L be approved. It is, further,

ORDERED, That the motions to intervene filed by OCC and IEU-Ohio be granted. It is, further,

ORDERED, That Case No. 09-1012-EL-UNC be now and hereafter designated as Case No. 09-1012-EL-FAC. It is, further,

ORDERED, That DP&L is authorized to file, in final form, four complete copies of the tariffs, consistent with this finding and order. DP&L shall file one copy in its TRF docket (or 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,

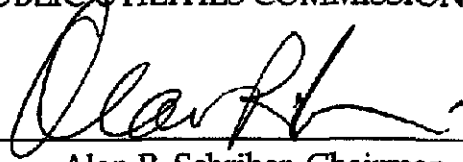
ORDERED, That the effective date of the new tariffs shall be a date not earlier than January 1, 2010, and the date upon which four complete printed copies of final tariffs are filed with the Commission. The new tariffs shall be effective for bills rendered on or after such effective date. It is, further,

ORDERED, That DP&L shall notify all affected customers via a bill message or via a bill insert within 30 days of the effective date of the tariffs. A copy of the customer notice 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 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 all parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO



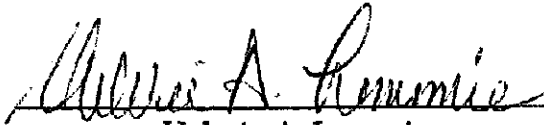
Alan R. Schriber, Chairman



Paul A. Centolella



Ronda Hartman Fergus



Valerie A. Lemmie



Cheryl L. Roberto

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Entered in the Journal

DEC 16 2009



Renee J. Jenkins  
Secretary