



Working For You Today And Tomorrow

RECEIVED-DOCKETING DIV

2009 DEC 18 AM 9:47

PUCO

Phone: (937) 259-7802
Fax: (937) 259-7178
E-Mail: jenna.johnson@dplinc.com

December 17, 2009

Via Fed Ex

Public Utilities Commission of Ohio
Docketing Division
180 East Broad Street
Columbus, OH 43215-3793

**Re: The Dayton Power and Light Company's Motion For an extension
Of Time To File Reply Comments And For Expedited Consideration**

Dear Sir/Madam:

Enclosed please find for filing the original and (11) eleven copies of The Dayton Power and Light Company's Motion 'For an Extension Of Time To File Reply Comments And For Expedited Consideration'.

Please time-stamp and return the extra copy in the self addressed stamped envelope provided. If you have any questions, please call Judi L. Sobecki at 937-259-7171.

Sincerely,

Jenna Johnson
Administrative Assistant

Enclosures

the images appear to be a reproduction of the regular copy
Date Processed 12/18/09

BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

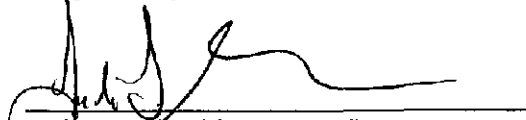
RECEIVED-DOCKETING DIV
2009 DEC 18 AM 9:47
PUCO

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	:	

**THE DAYTON POWER AND LIGHT COMPANY'S MOTION
FOR EXTENSION OF TIME TO FILE REPLY COMMENTS AND FOR EXPEDITED
CONSIDERATION**

Pursuant to Rule 4901-1-13 of the Ohio Administrative Code, The Dayton Power and Light Company ("DP&L") respectfully moves the Public Utilities Commission of Ohio ("Commission") for an order granting an extension of time until January 8, 2010 for all parties to file reply comments in this matter. In addition, DP&L requests an expedited ruling on this motion pursuant to Ohio Administrative Code Section 4901-1-12(C). DP&L contacted the intervening parties to this proceeding and none have indicated an objection to the issuance of a ruling extending the deadline for reply comments, with all five of the parties filing comments in this case indicating they do not oppose this extension. The reasons demonstrating good cause for granting this motion are more fully explained in the attached Memorandum in Support.

Respectfully submitted,



Judi L. Sobecki (0067186)

Randall V. Griffin (0080499)

The Dayton Power and Light Company

1065 Woodman Drive

Dayton, OH 45432

Telephone: (937) 259-7171

Facsimile: (937) 259-7178

Email: judi.sobecki@dplinc.com

Attorneys for The Dayton Power and Light
Company

MEMORANDUM IN SUPPORT

I. INTRODUCTION

On August 4, 2009, DP&L filed its revised AMI and Smart Grid business cases pursuant to paragraph 4 of the Stipulation and Recommendation approved without modification by the Commission by Opinion and Order dated June 24, 2009. DP&L supplemented its revised business cases on August 13, 2009 and September 15, 2009. By entry dated September 23, 2009, the Commission ordered a technical conference, which took place on October 22, 2009, and which was well attended by intervening parties and Staff. On November 4, 2009, the Commission entered a procedural order, in which it ordered all interested parties to file comments on DP&L's revised AMI and Smart Grid Business cases by November 24, 2009. Commission Staff moved to extend the deadline for filing comments to December 15, 2009, which motion was granted. The order set a deadline for reply comments for December 22, 2009. Given the number and content of the comments filed by Commission Staff and select intervenors on December 15, it is clear that DP&L needs additional time in order to fully review and analyze stakeholder comments and prepare a carefully considered, thoughtful response. Therefore

DP&L respectfully requests that the deadline for reply comments for all parties be extended to January 8, 2010.

II. ARGUMENT

Section 4901-1-13(A) of the Ohio Administrative Code permits an extension of time to file pleadings or other papers before the Commission upon good cause being shown, providing specifically:

Except as otherwise provided by law, and notwithstanding any other provision in this chapter, continuances of public hearings and extensions of time to file pleadings or other papers may be granted upon motion of any party for good cause shown, or upon motion of the commission, the legal director, the deputy legal director, or an attorney examiner.

The Commission may issue an expedited decision on such motions under certain circumstances:

Any motion may include a specific request for an expedited ruling. The grounds for such a request shall be set forth in the memorandum in support. If the motion requests an extension of time to file pleadings or other papers of five days or less, an immediate ruling may be issued without the filing of memoranda. In all other situations, the party requesting an expedited ruling may first contact all other parties to determine whether any party objects to the issuance of such a ruling without the filing of memoranda. If the moving party certifies that no party objects to the issuance of such a ruling, an immediate ruling may be issued . . . ¹

DP&L respectfully requests that the Commission extend the date for all parties to file reply comments to January 8, 2010. As Commission Staff pointed out in its motion to extend the initial comment deadline as well as in the Staff's comments filed December 15, the sense of urgency to conclude this proceeding in the fourth quarter of 2009 was based in part upon DP&L's application for federal stimulus funding under the American Recovery and Reinvestment Act of 2009, and the strict spending timelines associated with any stimulus award.

¹ Ohio Administrative Code Section 4901-1-12(C).

Since DP&L was not an award recipient, the sense of urgency has dissipated, and granting this extension will not put any award at risk or otherwise disadvantage DP&L or its ratepayers.

Granting an extension will serve the goal of arriving at the best resolution of the matter for the stakeholders. The comments filed in this case on December 15 included a number of substantial proposals that require a more thorough analysis and evaluation than originally anticipated before DP&L can fairly respond. The current seven day time period is too brief to allow DP&L to process the various stakeholders' comments as carefully and as thoughtfully as is warranted, given the significant nature of this proceeding. In addition, DP&L faces an additional obstacle to preparing reply comments in light of the upcoming holidays and vacation schedules of key internal resources.


Finally, DP&L contacted the other parties to this proceeding to inquire whether there was any opposition to this motion and no party indicated they oppose the extension.² Given this lack of opposition to the extension, along with the fast approaching deadline, DP&L respectfully requests an expedited ruling.

III. CONCLUSION

For the reasons explained herein, good cause exists for an extension of time for all parties to this proceeding to file reply comments and DP&L respectfully requests the Commission issue an expedited ruling granting the parties until January 8, 2010, in which to file reply comments in this matter.

² The parties indicating no opposition to an extension follow. Those in bolded text are the five parties who filed comments in this case. Constellation New Energy, Constellation Commodities Group, **The City of Dayton**, Industrial Energy Users-Ohio, The Ohio Manufacturers Association, The Ohio Hospital Association, **Ohio Partners for Affordable Energy**, **The Kroger Company**, **Commission Staff**, Edgemont Neighborhood Coalition, The Ohio Farm Bureau, and the **Ohio Consumers' Counsel**.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Judi L. Sobecki', is written over a horizontal line.

Judi L. Sobecki (0067186)

Randall V. Griffin (0080499)

The Dayton Power and Light Company

1065 Woodman Drive

Dayton, OH 45432

Telephone: (937) 259-7171

Facsimile: (937) 259-7178

Email: judi.sobecki@dplinc.com

Attorneys for The Dayton Power and Light
Company

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing has been served via electronic mail upon the following counsel of record, this 17th day of December, 2009:

Samuel C. Randazzo, Esq.
Lisa G. McAlister, Esq.
Joseph M. Clark, Esq.
MCNEES WALLACE & NURICK LLC
21 East State Street, 17th Floor
Columbus, OH 43215-4228

Attorneys for Industrial Energy Users-Ohio

Gregory J. Poulos, Esq.
Michael E. Idzkowski, Esq.
Richard Reese, Esq.
OFFICE OF OHIO CONSUMERS' COUNSEL
10 West Broad Street, Suite 1800
Columbus, OH 43215

David C. Rinebolt, Esq.
Colleen L. Mooney, Esq.
OHIO PARTNERS FOR AFFORDABLE
ENERGY
231 West Lima Street
Findlay, OH 45839-1793

Henry Eckhart, Esq.
50 West Broad Street, Suite 2117
Columbus, OH 43215-3301

Robert Ukeiley, Esq.
LAW OFFICE OF ROBERT UKEILEY
435R Chestnut Street, Suite 1
Berea, KY 40403

Attorneys for Sierra Club Ohio Chapter

Ned Ford
539 Plattner Trail
Beavercreek, OH 45430

John W. Bentine, Esq.
Matthew S. White, Esq.
Mark S. Yurick, Esq.
CHESTER WILLCOX & SAXBE LLP
65 East State Street, Suite 1000
Columbus, OH 43215

Attorneys for The Kroger Company

David Boehm, Esq.
Michael L. Kurtz, Esq.
BOEHM, KURTZ & LOWRY
36 East Seventh Street Suite 1510
Cincinnati, OH 45202-4454

Attorney for Ohio Energy Group, Inc.
M. Howard Petricoff, Esq.
Stephen M. Howard, Esq.
Michael J. Settineri, Esq.
VORYS, SATER, SEYMOUR AND
PEASE LLP
52 East Gay Street
P.O. Box 1008
Columbus, OH 43216-1008

Cynthia A. Fonner, Esq.
Senior Counsel
CONSTELLATION ENERGY
RESOURCES, LLC
550 West Washington Blvd., Suite 300
Chicago, IL 60661

Attorneys for Constellation NewEnergy,
Inc. and Constellation Energy Commodities
Group, Inc.

David I. Fein
Vice President, Energy Policy - Midwest
CONSTELLATION ENERGY GROUP, INC.
550 West Washington Blvd., Suite 300
Chicago, IL 60661

Richard L. Sites, Esq.
General Counsel and Senior Director of
Health Policy
Ohio Hospital Association
155 East Broad Street, 15th Floor
Columbus, OH 43215-3620

Attorney for The Ohio Hospital Association

Craig I. Smith, Esq.
Attorney at Law
2824 Coventry Road
Cleveland, OH 44120

Attorney for Cargill, Incorporated

Patrick Bonfield, Esq.
John Danish, Esq.
Christopher L. Miller, Esq.
Gregory H. Dunn, Esq.
Andre T. Porter, Esq.
SCHOTTENSTEIN ZOX & DUNN CO., LPA
250 West Street
Columbus, OH 43215

Attorneys for The City of Dayton

M. Howard Petricoff, Esq.
Stephen M. Howard, Esq.
Michael J. Settineri, Esq.
VORYS, SATER, SEYMOUR AND PEASE
LLP
52 East Gay Street
P.O. Box 1008
Columbus, OH 43216-1008

Attorneys for Honda of America Mfg., Inc.

Thomas Lindgren, Esq.
Thomas McNamee, Esq.
Assistant Attorney General
180 East Broad Street
Columbus, OH 43215

Office of the Ohio Attorney General

Larry Gearhardt, Esq.
Chief Legal Counsel
OHIO FARM BUREAU FEDERATION
280 North High Street
P.O. Box 182383
Columbus, OH 43218-2383

Attorney for The Ohio Farm Bureau Federation

Thomas J. O'Brien, Esq.
BRICKER & ECKLER LLP
100 South Third Street
Columbus, OH 43215-4291

Attorney for The Ohio Manufacturers'
Association

Barth E. Royer, Esq.
BELL & ROYER CO., LPA
33 South Grant Avenue
Columbus, OH 43215-3927

Gary A. Jeffries, Esq.
Dominion Resources Services, Inc.
501 Martindale Street, Suite 400
Pittsburgh, PA 15212-5817

Attorneys for Dominion Retail, Inc.

Barth E. Royer, Esq.
BELL & ROYER CO., LPA
33 South Grant Avenue
Columbus, OH 43215-3927

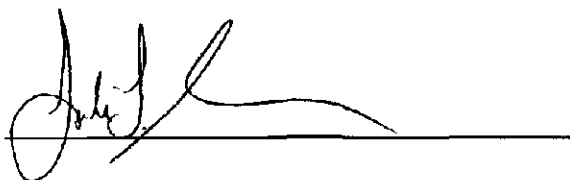
Nolan Moser, Esq.
Air & Energy Program Manager
The Ohio Environmental Council
1207 Grandview Avenue, Suite 201
Columbus, OH 43212-3449

Trent A. Dougherty, Esq.
The Ohio Environmental Council
1207 Grandview Avenue, Suite 201
Columbus, OH 43212-3449

Ellis Jacobs
Advocates for Basic Legal Equality, Inc.
333 West First Street, Suite 500B
Dayton, OH 45402

Attorney for The Edgemont Neighborhood
Coalition

Todd Williams, Esq.
4534 Douglas Road
Toledo, OH 43613

A handwritten signature in dark ink, appearing to read "Todd Williams", is written over a horizontal line.