

BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of)	
DPL Energy Resources, Inc. for an)	
Amendment of the 2009 Solar Energy)	Case No. 09-2006-EL-ACP
Resource Benchmark, Pursuant to)	
Section 4928.64(C)(4), Ohio Revised Code)	

**Response of DPL Energy Resources, Inc. to
Comments of the Ohio Environmental Council, et al.**

DPL Energy Resources, Inc. (“DPLER”) hereby files this response to indicate that it would not object to a ruling by the Public Utilities Commission of Ohio (“PUCO” or “Commission”) that would be consistent with prior rulings of the Commission regarding similar filings made by other entities. That is, DPLER would not object to a Commission ruling that amended its 2009 Ohio Solar Energy Resource requirement to the Renewable Energy Certificates that it was able to procure for 2009 and to add any deficiency between that amount and the unamended requirement to its 2010 requirement. This would be consistent with rulings the Commission has made in *Dayton Power and Light Company*, Case No. 09-198-EL-ACP (Mar. 17, 2010), *Ohio Edison, et al.*, Case No. 09-1922-EL-ACP (Mar. 10, 2010) and *Columbus Southern Company, et al.*, Case Nos. 09-987-EL-ACP, *et al.* (Jan. 10, 2010).

DPLER disagrees with many aspects of the filing made jointly by the Ohio Environmental Council (“OEC”) and the Environmental Law & Policy Center on March 26, 2010. It does not believe, however, that a point-by-point rebuttal is necessary or appropriate because it is willing to accept the mechanism approved by the Commission in the cases cited above and because this is also one of the remedies proposed by OEC. One clarifying note is particularly important, however. OEC states that DPLER has failed to obtain 149 Ohio solar

RECs and that that is the amount that should be added to DPLER's 2010 requirement (OEC Comments at 5). OEC's figure is incorrect. DPLER would request instead that any such Commission order be worded more generically to state that any shortfall be added to the 2010 requirement. This request is due to the fact that, even today, DPLER cannot state with certainty how many 2009 RECs it will ultimately receive and, thus, what the shortfall may be. It has 2009 RECs under contract that have not yet been delivered because some of the sellers have not yet filed with the Commission or registered with GATS or because the Commission has not yet acted on some filings.

For the foregoing reasons, DPLER requests that the Commission issue an order granting an adjustment to its 2009 Ohio solar requirement. As noted, DPLER will not object to a condition that would require that any deficiency be added into its 2010 requirement.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Randall V. Griffin".

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Dated: April 7, 2010

CERTIFICATE OF SERVICE

I hereby certify that on this 7th day of April 2010, I caused a copy of the foregoing to be delivered via electronic mail to the following:

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Summary: Response Response of DPL Energy Resources, Inc. to Comments of Ohio Environmental Council electronically filed by Mr. Randall V Griffin on behalf of DPL Energy Resources, Inc.