

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

## ENTRY

- (1) Pursuant to Section 4905.31, Revised Code, and Rule 4901:1-38-05(A), Ohio Administrative Code (O.A.C.), an electric utility may file an application for Commission approval of a unique arrangement with one or more of the electric utility's customers.
- (2) On June 1, 2010, the Dayton Power and Light Company (DP&L) filed an application for approval of a unique arrangement with Caterpillar Inc. (Caterpillar) for electric service to the new distribution facility Caterpillar is currently building within DP&L's certified service territory. In its application, DP&L explains that Caterpillar's distribution facility is projected to be completed during the second quarter of 2011, creating approximately 500 new full-time jobs. DP&L states that it requests approval of the unique arrangement in order to incent Caterpillar to construct and operate its new facility.
- (3) On June 21, 2010, the Ohio Consumers' Counsel (OCC) filed a motion to intervene, comments on DP&L's application, and two motions relating to discovery: a motion to shorten the response time for discovery and a motion for electronic service of discovery (discovery motions). OCC filed a request for an expedited ruling on its discovery motions. No party opposed OCC's motions.
- (4) The attorney examiner finds that OCC has set forth reasonable ground to intervene, and, accordingly, its motion to intervene should be granted.
- (5) In support of its discovery motions, OCC argues that shortening the 20-day response period for discovery

established by Rule 4901:1-1-19, O.A.C., to seven days and requiring service of all discovery requests and responses by email will facilitate thorough and adequate preparation for participation in this proceeding. OCC seeks expedited treatment of its discovery motions and states that counsel for DP&L does not object to the issuance of an expedited ruling.

- (6) The attorney examiner finds that OCC's discovery motions are well-taken and should be granted.
- (7) Having reviewed DP&L's application and the comments filed by OCC, the attorney examiner finds that this matter should be set for hearing. Accordingly, the following procedural schedule shall be set:

September 23, 2010	Prehearing conference
September 30, 2010	Pre-filed testimony deadline
October 7, 2010	Hearing commences

- (8) Both the September 23, 2010, prehearing conference and the October 7, 2010, hearing will take place at 10:00 a.m., at the offices of the Commission, 180 East Broad Street, 11th Floor, Hearing Room 11-C, Columbus, Ohio 43215-3793.


It is, therefore,

ORDERED, That OCC's motion to intervene, motion to shorten the response time for discovery, and motion for electronic service of discovery be granted, in accordance with findings (4) and (6). It is, further,

ORDERED, That the procedural schedule set forth in findings (7) and (8) be adopted. It is, further,

ORDERED, That a copy of this entry be served upon all parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

  
By: Henry H. Phillips-Gary  
Attorney Examiner

/vrm <sup>730</sup>

Entered in the Journal

**JUL 30 2010**



Renee J. Jenkins  
Secretary