

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

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

ENTRY

The Commission finds:

- (1) On June 24, 2009, the Commission issued an Opinion and Order approving a stipulation that, *inter alia*, authorized The Dayton Power and Light Company (DP&L) to institute a fuel recovery rider (fuel rider), effective January 1, 2010. *In the Matter of the Application of The Dayton Power and Light Company For Approval of its Electric Security Plan*, Case No. 08-1094-EL-SSO, et al. (*ESP case*). Under the terms of the stipulation, DP&L is required to submit an annual fuel cost filing, beginning in 2011, with the 2011 and 2012 filings subject to an audit.
- (2) On September 22, 2010, the Commission issued an Entry directing Staff to issue a request for proposal (RFP) for the audit services necessary to review and report on the management performance and financial aspects of DP&L's fuel costs, and its fuel recovery mechanism. Staff subsequently issued RFP No. U10-FPP-1. Prospective bidders were directed by the Commission to submit proposals to the Commission Staff by October 22, 2010. Bidders were directed to demonstrate their understanding of the project and the work required by showing a clear understanding of the tasks to be completed, the experience and qualifications of the personnel who will perform the work, and the anticipated breakdown of costs and timing.
- (3) The proposals received in response to RFP No. U10-FPP-1 have been evaluated and, after consideration of those proposals, the Commission selects Energy Ventures Analysis, Inc. The Commission finds that Energy Ventures Analysis,

Inc. has the necessary experience to complete the required work.

- (4) DP&L shall enter into a contract with Energy Ventures Analysis, Inc. by December 13, 2010, for the purpose of providing payment for its auditing services. The contract shall incorporate the terms and conditions of the RFP, the auditor's proposal, and relevant Commission entries in these proceedings.
- (5) The auditor shall submit invoices for services completed as required by the contract, consistent with the terms of the RFP or as agreed by contract with DP&L. All invoices must be submitted to the Commission's project coordinator for approval and, subject to approval, will be forwarded to DP&L for payment to the auditor within 30 days of receipt of the invoices by DP&L.
- (6) Energy Ventures Analysis, Inc. shall complete Audit 1 of the two-audit cycle delineated in the RFP by April 29, 2011. It shall submit a draft audit report to staff by April 15, 2011, and shall file its final audit report by April 29, 2011. Any conclusions, results, or recommendations formulated by Energy Ventures Analysis, Inc. may be examined by any participant to the proceedings for which the audit report was generated.
- (7) Energy Ventures Analysis, Inc. will execute its duties pursuant to the Commission's statutory authority to investigate and obtain records, reports, and other documentation under Sections 4903.02, 4903.03, 4905.06, 4905.15, and 4905.16, Revised Code. Energy Ventures Analysis, Inc. shall be subject to the Commission's statutory duty under Section 4901.16, Revised Code, which states, in relevant part:

Except in his report to the public utilities commission or when called on to testify in any court or proceeding of the public utilities commission, no employee or agent referred to in section 4905.13 of the Revised Code shall divulge any information acquired by him in

respect to the transaction, property, or business of any public utility, while acting or claiming to act as such employee or agent. Whoever violates this section shall be disqualified from acting as agent, or acting in any other capacity under the appointment or employment of the commission.

- (8) Upon request of the auditor or Staff, DP&L shall provide any and all documents and information requested. DP&L may conspicuously mark such documents or information "confidential." In no event shall DP&L refuse or delay providing such information or documents to the auditor or Staff.
- (9) The following process shall apply to the release of any document or information that DP&L marks as "confidential": Staff or the auditor shall not publicly disclose any document marked "confidential," except upon three days' prior written notice of intent to disclose served upon counsel for DP&L. Three days after such notice, Staff or the auditor may disclose or otherwise make use of such documents or information for any lawful purpose, unless DP&L moves the Commission for a protective order pertaining to such information within the three-day notice period. The three-day notice period shall be computed according to Rule 4901-1-07, Ohio Administrative Code. Service shall be complete upon mailing or delivery in person.
- (10) The auditor shall perform its duties as an independent contractor. Neither the Commission nor Staff shall be liable for any acts committed by the auditor in the performance of its duties.

It is, therefore,

ORDERED, That Energy Ventures Analysis, Inc. be selected to perform the auditing activities set forth above. It is, further,

ORDERED, That the audit of DP&L be conducted in accordance with the provisions of RFP No. U10-FPP-1 and the findings of this Entry. It is, further,

ORDERED, That DP&L and Energy Ventures Analysis, Inc. shall observe the requirements set forth in this Entry. It is, further,

ORDERED, That a copy of this Entry is served upon Energy Ventures Analysis, Inc., and all parties of record in this proceeding.

THE PUBLIC UTILITIES COMMISSION OF OHIO



Alan R. Schriber, Chairman


Paul A. Centolella
Valerie A. Lemmie
Steven D. Lesser
Cheryl L. Roberto

VPG:sc

Entered in the Journal

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Renee J. Jenkins
Secretary