

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of The)
Dayton Power and Light Company for a) Case No. 09-1986-EL-POR
Finding that DP&L has Satisfied Program)
Portfolio Filing Requirements.)

ENTRY

The attorney examiner finds:

- (1) The Dayton Power and 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 December 23, 2009, DP&L filed an application in this proceeding for approval of its energy efficiency and peak demand reduction program portfolio plans for 2010 through 2012 pursuant to Rule 4901:1-39-04, Ohio Administrative Code (O.A.C.). In its application, DP&L notes that its customer conservation and energy management (CCEM) programs were approved by the Commission in the stipulation filed in its electric security plan proceeding. *In re Dayton Power and Light Company*, Case No. 08-1094-EL-SSO, et al., Opinion and Order (June 24, 2009) at 5. As part of its application, DP&L requested that the Commission find that DP&L is in compliance with the comprehensive program portfolio requirements of Rule 4901:1-39-04, O.A.C., and also requested waivers of Rules 4901:1-39-03(A), and 4901:1-39-04(C)(3), (4), and (5)(I), O.A.C.
- (3) By entry issued on May 19, 2010, the Commission granted DP&L's request for waivers of Rules 4901:1-39-04(C)(3), (4), and (5)(I), O.A.C., although the Commission noted that only the filing requirement contained in Rule 4901:1-39-04(C)(5)(I), O.A.C., was waived. The Commission stated that DP&L must still comply with the rule's requirement that an independent program evaluator prepare an independent evaluation, measurement, and verification plan. The Commission also denied DP&L's requests for waivers of Rules 4901:1-39-03(A) and 4901:1-39-04(A), O.A.C., and directed DP&L to file its market assessment and testimony supporting its application within 60 days after issuance of the entry.

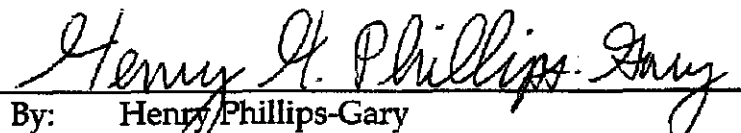
- (4) On July 15 and 16, 2010, DP&L filed supplements to its original application.
- (5) By entry issued on October 25, 2010, the attorney examiner set this matter for hearing on December 14, 2010, and required DP&L to publish legal notice of the December 14, 2010 hearing.
- (6) By entry issued on December 9, 2010, the motions to intervene filed by Industrial Energy Users-Ohio (IEU-Ohio), the Ohio Consumers' Counsel (OCC), and the Ohio Environmental Council (OEC) were granted.
- (7) The hearing commenced as scheduled on December 14, 2010, but, at the request of the parties, was continued indefinitely in order to permit the parties to continue settlement negotiations.
- (8) The attorney examiner finds that the hearing in this matter should resume on March 29, 2011, at 10:00 a.m., at the offices of the Commission, 180 East Broad Street, 11th Floor, Hearing Room 11-A, Columbus, Ohio 43215.

It is, therefore,

ORDERED, That the hearing in this matter should resume on March 29, 2011, at 10:00 a.m., at the offices of the Commission, 180 East Broad Street, 11th Floor, Hearing Room 11-A, Columbus, Ohio 43215. 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 Phillips-Gary
Attorney Examiner

grg/sc

Entered in the Journal **FEB 25 2011**



Renee J. Jenkins
Secretary