

FILE

BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of The ) Case No. 09-1012-EL-UNC  
Dayton Power & Light Company )  
to Establish a Fuel Rider. )

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**MOTION FOR EXTENSION OF TIME TO FILE TESTIMONY,  
MOTION FOR CONTINUANCE  
AND  
REQUEST FOR EXPEDITED RULING  
BY  
THE OFFICE OF THE OHIO CONSUMERS' COUNSEL  
AND  
THE DAYTON POWER AND LIGHT COMPANY**

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The Office of the Ohio Consumers' Counsel ("OCC") and The Dayton Power and Light Company ("DP&L") respectfully move for an extension of time to file testimony in this proceeding.<sup>1</sup> OCC and DP&L also move for a continuance of the pre-hearing and hearing dates currently scheduled in this case.<sup>2</sup> To this end, OCC and DP&L request that the current pre-hearing scheduled for August 23, 2011, be continued to September 5, 2011, and that the pre-filed testimony deadline scheduled for August 23, 2011, be extended to September 27, 2011. In addition, OCC and DP&L respectfully request that the hearing, currently scheduled for August 30, 2011, be continued to commence on October 19, 2011.

OCC and DP&L also request an expedited ruling on these Motions, pursuant to Ohio Adm. Code 4901-1-12(C). Counsel for OCC and DP&L have communicated with the other parties to this proceeding and can certify that no party objects to the issuance of a ruling without the opportunity to file a memoranda contra.

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<sup>1</sup> Pursuant to Rules 4901-1-12(C) and 4901-1-13(A) of the Ohio Administrative Code.

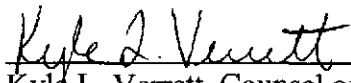
<sup>2</sup> *Id.*

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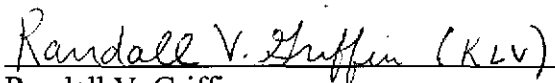
These Motions should be granted for good cause on an expedited basis, for the reasons more fully set forth in the accompanying memorandum in support.

Respectfully submitted,

JANINE L. MIGDEN-OSTRANDER  
CONSUMERS' COUNSEL

  
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**MEMORANDUM IN SUPPORT**

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Ohio Adm. Code 4901-1-13(A) allows for continuances and extensions of time to file pleadings and other papers to be granted for good cause shown. Ohio Adm. Code 4901-1-12(C) provides that a party may request an expedited ruling on its motion and that an immediate ruling may be issued if the moving party certifies that no party objects to the issuance of such a ruling. For the following reasons, there is good cause to grant these Motions on an expedited basis.

On July 8, 2011, the attorney examiner issued an Entry establishing a procedural schedule for this proceeding. Pursuant to this entry, testimony is due to be filed on August 23, 2011, and a pre-hearing conference is also scheduled for this date. However, counsel for OCC and DP&L have determined that additional time is needed to prepare testimony, and that it would be advantageous to the parties to request an extension of time for filing testimony—until September 27, 2011. Additionally, OCC and DP&L request that the pre-hearing conference currently scheduled for August 23, 2011, be continued until September 5, 2011. *Creating some time between the pre-hearing conference and the date that testimony filed will also permit the parties additional time and opportunities to attempt to resolve this case through stipulation or reduce the number of contested issues.*


Furthermore, OCC and DP&L respectfully request that the hearing of August 30, 2011, be continued to commence on October 19, 2011, or on another date in that time period that is acceptable to the Commission and the parties to this proceeding. Counsel for OCC entered her appearance in this proceeding on July 11, 2011. Due to a previously scheduled commitment, Counsel for OCC will not be available to attend the pre-hearing or hearing on the currently scheduled dates.

Finally, OCC and DP&L request an expedited ruling on these Motions. OCC and DP&L have contacted all parties (PUCO Staff and Industrial Energy Users-Ohio) to this proceeding and can certify that the parties do not object to the issuance of a ruling on these Motions without the filing of memoranda contra.

Therefore, OCC and DP&L respectfully request the granting of these Motions for the good cause shown and request an expedited ruling for the reasons stated.

Respectfully submitted,

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CONSUMERS' COUNSEL

  
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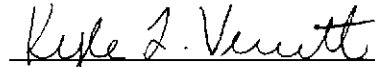
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**CERTIFICATE OF SERVICE**

It is hereby certified that a true copy of the foregoing Joint Motion was served via First Class mail, postage prepaid this 22nd day of July, 2011.

  
\_\_\_\_\_  
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