

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

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

ENTRY

The attorney examiner 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. 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 July 25, 2011, FirstEnergy Solutions Corp. (FES) filed a motion to intervene.
- (3) Pursuant to Rule 4901-1-12, Ohio Administrative Code (O.A.C.), any party may file a memorandum contra within 15 days after the service of a motion.
- (4) By entry issued July 28, 2011, the attorney examiner granted FES's motion prior to the expiration of the 15-day period set forth in Rule 4901-1-12, O.A.C.
- (5) Accordingly, the attorney examiner entry issued July 28, 2011, should be amended, and FES's motion to intervene shall not be granted at this time. Pursuant to Rule 4901-1-12, O.A.C., any party may file a memorandum contra FES's motion to intervene by August 9, 2011.


It is, therefore,

ORDERED, That the attorney examiner entry issued July 28, 2011, be amended pursuant to Finding (5). It is, further,

ORDERED, That any party may file a memorandum contra FES's motion to intervene by August 9, 2011. It is, further,

ORDERED, That a copy of this Entry be served upon all parties of record in this proceeding.

THE PUBLIC UTILITIES COMMISSION OF OHIO

  
By: Jonathan J. Tauber  
Attorney Examiner

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Entered in the Journal

JUL 28 2011

Betty McCauley

Betty McCauley  
Secretary