

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of The Dayton Power and Light Company for Approval of its Market Rate Offer.))	Case No. 12-426-EL-SSO
In the Matter of the Application of The Dayton Power and Light Company for Approval of Revised Tariffs.))	Case No. 12-427-EL-ATA
In the Matter of the Application of The Dayton Power and Light Company for Approval of Certain Accounting Authority.))	Case No. 12-428-EL-AAM
In the Matter of the Application of The Dayton Power and Light Company for Waiver of Certain Commission Rules.))	Case No. 12-429-EL-WVR
In the Matter of the Application of The Dayton Power and Light Company to Establish Tariff Riders.))	Case No. 12-672-EL-RDR

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 March 30, 2012, DP&L filed an application for a standard service offer (SSO) pursuant to Section 4928.141, Revised Code. The application was for a market rate offer in accordance with Section 4928.142, Revised Code. Additionally, DP&L filed accompanying applications for approval of revised tariffs, for

approval of certain accounting authority, for waiver of certain Commission rules, and to establish tariff riders.

- (3) On September 7, 2012, DP&L withdrew its application for a market rate offer. DP&L also filed a motion to set a procedural schedule for its anticipated Electric Security Plan application. In its motion, DP&L states that it anticipates filing the Electric Security Plan application on or before October 8, 2012.
- (4) On September 17, 2012, intervenors filed a joint memorandum in opposition to DP&L's motion to set a procedural schedule for its anticipated Electric Security Plan. Intervenors state that it would be premature and unrealistic to set a procedural schedule because the parties have not yet had an opportunity to review the Electric Security Plan.
- (5) On September 24, 2012, DP&L filed a reply to the joint memorandum in opposition to its motion. DP&L states that it filed its proposed schedule to allow this case to be resolved before the end of 2012. DP&L further states that should its proposed procedural schedule not be adopted, any delay in setting a procedural schedule be only as necessary and with a continuation of existing rates until the Electric Security Plan case is decided.
- (6) Rule 4901:1-35-06, Ohio Administrative Code, plainly contemplates that an application be filed before the Commission sets the matter for hearing. Therefore, the attorney examiner finds that it would be premature to set the procedural schedule before the Electric Security Plan application is filed and that DP&L's motion should be denied. The procedural schedule in this matter will be set by subsequent entry after a new application has been filed.

It is, therefore,

ORDERED, That DP&L's motion to set a procedural schedule in this matter be denied. It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

s/Bryce McKenney

By: Bryce A. McKenney
Attorney Examiner

JRJ/sc

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in

Case No(s). 12-0426-EL-SSO, 12-0427-EL-ATA, 12-0428-EL-AAM, 12-0429-EL-WVR, 12-0672-EL-RDR

Summary: Attorney Examiner Entry denying DP&L's motion to set a procedural schedule. - electronically filed by Sandra Coffey on behalf of Bryce McKenney, Attorney Examiner, Public Utilities Commission of Ohio