

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of The)
Dayton Power and Light Company to) Case No. 12-426-EL-SSO
Establish a Standard Service Offer in)
the Form of an Electric Security Plan.)

In the Matter of the Application of The)
Dayton Power and Light Company for) Case No. 12-427-EL-ATA
Approval of Revised Tariffs.)

In the Matter of the Application of The)
Dayton Power and Light Company for) Case No. 12-428-EL-AAM
Approval of Certain Accounting)
Authority.)

In the Matter of the Application of The)
Dayton Power and Light Company for) Case No. 12-429-EL-WVR
Waiver of Certain Commission Rules.)

In the Matter of the Application of The)
Dayton Power and Light Company to) Case No. 12-672-EL-RDR
Establish Tariff Riders.)

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. On September 7, 2012, DP&L withdrew its application for a market rate offer. On October 5, 2012, DP&L filed an application for an electric security plan in accordance with

Section 4928.143, 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 November 9, 2012, a prehearing conference was held in this matter for the purpose of establishing a procedural schedule. The attorney examiner finds that the following procedural schedule should be adopted:

- (a) Intervention Deadline December 17, 2012
- (b) Intervenor Testimony Due January 28, 2013
- (c) Staff Testimony Due February 4, 2013
- (d) Evidentiary Hearing February 11, 2013

Due to DP&L filing its application for an Electric Security Plan in the same case as the previously filed Market Rate Offer, an extended deadline for intervention is being granted in accordance with Rule 4901:1-35-06(B), O.A.C. If the hearing proceeds beyond the week of February 11, 2013, the parties will recess for the week of February 18, 2013, and the hearing will recommence the following week. The briefing schedule will be determined at the conclusion of the evidentiary hearing.

- (4) Moreover, DP&L should publish notice of the evidentiary hearing one time in a newspaper of general circulation in each county in DP&L's certified territory. The notices should not appear in the legal notices section of the newspaper. The notices should read as follows:

PUBLIC NOTICE

The Public Utilities Commission of Ohio has scheduled evidentiary hearings in Case Nos. 12-426-EL-SSO, 12-427-EL-ATA, 12-428-EL-AAM, 12-429-EL-WVR, and 12-672-EL-RDR, *In the Matter of the Application of The Dayton Power and Light Company to Establish a Standard Service Offer in the Form of an Electric Security Plan, for Approval of Revised Tariffs, for Approval of Certain*

Accounting Authority, for Waiver of Certain Commission Rules, and to Establish Tariff Riders. In this proceeding, the Commission will consider the company's application, filed on October 5, 2012, requesting approval of an electric security plan for the supply of Standard Service Offer electric generation service beginning on January 1, 2013, approval of revised tariffs, approval of certain accounting authority, waiver of certain Commission rules, and to establish tariff riders.

The evidentiary hearing will commence on Monday, February 11, 2013, at 10:00 a.m., at the offices of the Commission, Hearing Room 11-A, 180 East Broad Street, Columbus, Ohio 43215.

Further information may be obtained by contacting the Public Utilities Commission of Ohio, 180 East Broad Street, Columbus, Ohio, 43215, viewing the Commission's web page at <http://www.puco.ohio.gov>, clicking on the link to the Docketing Information System and entering Case No. 12-426-EL-SSO; or contacting the Commission's call center at 1-800-686-7826

- (5) The attorney examiner finds that an expedited discovery procedure should be adopted in this matter. The expedited discovery procedure will require that any memoranda contra to motions filed in this proceeding be filed within five business days after service of the motion, and any reply memoranda filed within three business days of the memoranda contra. Moreover, the provisions of Rule 4901-1-07(B), O.A.C., which permits three additional days to take action if service is made by mail, will not apply. Parties are encouraged to take advantage of Rule 4901-1-05(C), O.A.C., which provides that service of pleadings may occur by facsimile transmission or electronic message (e-mail). In addition, response time for discovery should be shortened to 10 days. Discovery requests and replies shall be served by hand delivery, e-mail, or facsimile. An attorney serving a

discovery request shall attempt to contact the attorney upon whom the discovery request will be served in advance to advise him/her that a request will be forthcoming. To the extent that a party has difficulty responding to a particular discovery request within the 10-day period, counsel for the parties should discuss the problem and work out a mutually satisfactory solution.

- (6) On April 18, 2012, Wal-Mart Stores East, LP and Sam's East, Inc. filed motions and memoranda in support for the admission *pro hac vice* of Joshua D. Hague and Grant Chapman. On July 25, 2012, Exelon Generation Corp, LLC filed a motion and memorandum in support for the admission *pro hac vice* of Scott S. Solberg. On November 6, 2012, the Office of the Ohio Consumers' Counsel filed a motion and memorandum in support for the admission *pro hac vice* of Edmund J. Berger. No memoranda contra have been filed to any of the aforementioned motions. The attorney examiner finds that the motions for admission *pro hac vice* are reasonable and should be granted.

ORDERED, That the procedural schedule be set in accordance with finding (3). It is, further,

ORDERED, That DP&L publish notice of the evidentiary hearing as set forth in finding (4). It is, further,

ORDERED, That the expedited discovery procedure be adopted in accordance with finding (5). It is, further,

ORDERED, That the motions for admission *pro hac vice* be granted in accordance with finding (6). 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 setting procedural schedule and granting motions for admission pro hac vice electronically filed by Vesta R Miller on behalf of Bryce McKenney, Attorney Examiner, Public Utilities Commission of Ohio