

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

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.))))	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. 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. On December 12, 2012, DP&L amended its application for an electric security plan.

- (3) On February 27, 2013, the parties to this case requested an informal conference with the attorney examiners to discuss deposition scheduling conflicts and the burden of being prepared for hearing on March 11, 2013. At the conference, it was requested that the hearing date be continued to allow additional time for depositions and settlement negotiations, as well as to settle pending discovery disputes. Requests for additional time to file witness testimony were also made by The Ohio Consumers' Counsel (OCC), Wal-Mart Stores East, LP, and Sam's East, Inc. (Wal-Mart), Ohio Energy Group (OEG), Retail Energy Supply Association (RESA), and Exelon Generation Corp., LLC, Exelon Energy Company, Inc., Constellation Energy Commodities Group, Inc., and Constellation NewEnergy, Inc. (Constellation-Exelon). DP&L did not object to the requests so long as each intervenor was requesting additional time to provide witness testimony of only one additional witness. Staff also requested additional time to file staff testimony.
- (4) The attorney examiners find that the procedural schedule should again be revised and a new procedural schedule adopted. In light of the need for parties to conduct further depositions, to resolve discovery disputes, and to continue settlement negotiations, the attorney examiners find that the March 11, 2013, hearing date presents an undue burden on the parties. Accordingly, the hearing should be scheduled for March 18, 2013, at 10:00 a.m., at the offices of the Commission, Hearing Room 11-A. Furthermore, the attorney examiners find that all pending discovery disputes should be presented to the attorney examiners on March 7, 2013, at 10:00 a.m., at the offices of the Commission, Hearing Room 11-C. To the extent that any discovery disputes involve privilege claims, the parties are directed to bring to the conference privilege logs and copies of the disputed documents for in-camera review, if necessary.

Accordingly, the revised procedural schedule is as follows:

- (a) March 1, 2013 - Intervenor Testimony Due
- (b) March 5, 2013 - Deadline for OCC and Wal-Mart to Each Provide Testimony for One Additional Witness
- (c) March 7, 2013 - Discovery Conference
- (d) March 11, 2013 - Staff Testimony Due. Deadline for OEG, RESA, and Constellation-Exelon to Each Provide Testimony for One Additional Witness
- (e) March 18, 2013 - Hearing

ORDERED, That the procedural schedule in this case be revised and a new procedural schedule adopted in accordance with finding (4). 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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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 revising the procedural schedule. - electronically filed by Sandra Coffey on behalf of Bryce McKenney, Attorney Examiner, Public Utilities Commission of Ohio