

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of The )  
Dayton Power and Light Company for ) Case No. 12-3062-EL-RDR  
Authority to Recover of Certain Storm- )  
Related Service Restoration Costs. )

In the Matter of the Application of The )  
Dayton Power and Light Company for ) Case No. 12-3266-EL-AAM  
Approval of Certain Accounting Authority. )

ENTRY

The Attorney Examiner finds:

- (1) The Dayton Power and Light Company (DP&L) is a public utility as defined by Section 4905.02, Revised Code, and, as such, is subject to the jurisdiction of this Commission.
- (2) On December 21, 2012, DP&L filed this application seeking authority to recover storm Operation and Maintenance (O&M) expenses for all major event storms in 2011 and 2012, as well as certain 2008 storm O&M expenses. DP&L also seeks recovery of the related capital revenue requirements for Hurricane Ike in 2008 and major storms in 2011 and 2012. Finally, DP&L requests authority to implement a Storm Cost Recovery Rider to recover all costs associated with major storms going forward and to defer O&M costs until they are recovered through the rider.
- (3) The attorney examiner finds that a comment period should be established for stakeholders and interested parties to address DP&L's application. Accordingly, the procedural schedule will be as follows:
  - (a) June 3, 2013 Comments Due
  - (b) June 17, 2013 Reply Comments Due
  - (c) June 17, 2013 Deadline for Intervention
- (4) On January 14, 2013, the Kroger Company filed a motion to intervene and a memorandum in support. On January 18, 2013, the Ohio Consumers' Counsel (OCC) filed a motion to

intervene and a memorandum in support. No memorandum contra was filed to either motion to intervene. The attorney examiner finds that the motions to intervene are reasonable and should be granted.

- (5) On January 30, 2013, OCC filed a motion to dismiss the application arguing that the request to defer costs associated with the storms in 2011 was not timely filed and that DP&L failed to demonstrate financial need for the deferral. Subsequently, on February 6, 2013, DP&L filed a memorandum in opposition to OCC's motion to dismiss arguing that the Commission's rules do not provide for the filing of a motion to dismiss, that the motion is founded on a false premise, that DP&L does not need to demonstrate financial need for the deferral, and that an expedited ruling is necessary for pending filings with the Security and Exchange Commission. On February 13, 2013, OCC filed a reply to DP&L's memorandum contra. The motion to dismiss will be addressed by subsequent entry.

It is, therefore,

ORDERED, That a procedural schedule for this matter be established in accordance with finding (3). It is, further,

ORDERED, That the motions to intervene filed by the Kroger Company and OCC are granted 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

**This foregoing document was electronically filed with the Public Utilities**

**Commission of Ohio Docketing Information System on**

**5/2/2013 10:28:18 AM**

**in**

**Case No(s). 12-3062-EL-RDR, 12-3266-EL-AAM**

Summary: Attorney Examiner Entry setting a procedural schedule with Comments due on 06/03/2013, and Reply Comments due on 06/17/2013. - electronically filed by Sandra Coffey on behalf of Bryce McKenney, Attorney Examiner, Public Utilities Commission of Ohio