

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of The)
Dayton Power and Light Company for a) Case No. 13-846-EL-WVR
Limited Waiver of Rule 4901:1-35-10, Ohio)
Administrative Code.)

ENTRY

The Commission finds:

- (1) On May 1, 2008, the governor signed into law Amended Substitute Senate Bill No. 221 (SB 221), amending various statutes in Title 49 of the Ohio Revised Code. Among the statutory amendments adopted were changes to Section 4928.14, Revised Code, to establish a standard service offer (SSO). Pursuant to the amended language of Section 4928.14, Revised Code, electric utilities are required to provide consumers with an SSO, consisting of either a market-rate offer (MRO) or an electric security plan (ESP). Pursuant to the directives of Section 4928.142(D)(4), Revised Code, and Section 4928.143(E) and (F), Revised Code, the Commission is required to evaluate the earnings of each electric utility's approved ESP or MRO to determine whether the plan or offer produces significantly excessive earnings for the electric utility.
- (2) The Commission adopted administrative rules in accordance with the directives of SB 221 in *In the Matter of the Adoption of Rules for Standard Service Offer, Corporate Separation, Reasonable Arrangements, and Transmission Riders for Electric Utilities Pursuant to Sections 4928.14, 4928.17, and 4905.31, Revised Code, as Amended by Amended Substitute Senate Bill No. 221, Case No. 08-777-EL-ORD (Rules Case)*. Among the rules adopted in the Rules Case is Chapter 4901:1-35, Ohio Administrative Code (O.A.C.). Rule 4901:1-35-10, O.A.C., provides:

By May fifteenth of each year, the electric utility shall make a separate filing with the commission demonstrating whether or not any rate adjustments authorized by the commission as part of the electric utility's electric security plan

resulted in significantly excessive earnings during the review period as measured by division (F) of section 4928.143 of the Revised Code. The process and timeframes for that proceeding shall be set by order of the commission, the legal director, or attorney examiner. The electric utility's filing shall include the information set forth in paragraph (C) of rule 4901:1-35-03 of the Administrative Code as it relates to excessive earnings.

- (3) Further, pursuant to the provisions of Rule 4901:1-35-03(C)(10)(a), O.A.C., the electric utility must provide testimony and analysis demonstrating the return on equity for publicly traded companies that face comparable business and financial risks as the electric utility for the same period.
- (4) On April 22, 2013, The Dayton Power and Light Company (DP&L) filed an application for a limited waiver to extend the May 15 filing requirement contained in Rule 4901:1-35-10, O.A.C., until July 31, 2013. DP&L explains that, while Section 4928.143(F), Revised Code, provides that the Commission shall apply the SEET to DP&L's earnings, the statute does not mandate a specific date in which the SEET application should be filed. DP&L adds that the Commission has authority, pursuant to Rule 4901:1-35-02(B), O.A.C., to waive DP&L's May 15 filing deadline. In support of its waiver request, DP&L notes that information for its SEET filing will not be made available until approximately the end of April 2013. Accordingly, DP&L requests a limited waiver until July 31, 2013.
- (5) The Commission finds that, in light of the fact that the information necessary for DP&L's 2012 SEET proceeding is not yet available, DP&L's request for a limited waiver of Rule 4901:1-35-10, O.A.C., is reasonable and should be granted. DP&L should file its information required by Rule 4901:1-35-10, O.A.C., by July 31, 2013.

It is, therefore,

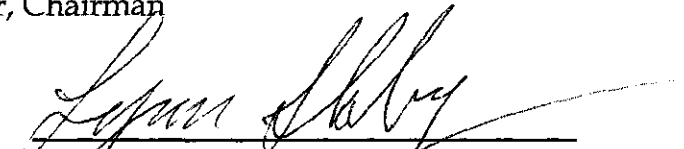
ORDERED, That DP&L's request for a waiver of the May 15 filing date in Rule 4901:1-35-10, O.A.C., be granted until July 31, 2013. It is, further,

ORDERED, That a copy of this Entry be served upon DP&L and all other interested persons of record in this case.

THE PUBLIC UTILITIES COMMISSION OF OHIO


Todd A. Snitchler, Chairman

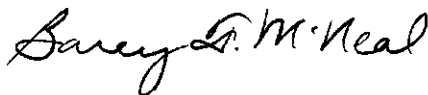

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Secretary