

BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO

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

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

**THE DAYTON POWER AND LIGHT COMPANY'S MEMORANDUM IN  
OPPOSITION TO MOTION FOR LOCAL PUBLIC HEARINGS AND REQUEST FOR  
AN EXPEDITED RULING BY THE OFFICE OF THE OHIO CONSUMERS' COUNSEL**

The Commission should deny the motion by The Office of the Ohio Consumers' Counsel ("OCC") to hold local public hearings in this proceeding, because local public hearings are not required by statute, and residential customers are already capably represented by OCC in this matter. Indeed, in another storm case, the Commission has previously denied a motion by OCC to set local public hearings.

Specifically, the issue in this case relates to DP&L's request to recover certain storm expenses, including costs associated with Hurricane Ike in 2008, a major ice storm in 2011, and a rare Derecho in 2012. Last year, the Commission rejected a motion by OCC to schedule public hearings in a strikingly similar case. In the Matter of the Application of Ohio Power Company to Establish Initial Storm Damage Recovery Rider Rates, Case No. 12-3255-EL-RDR ("AEP Storm Case"), Aug. 6, 2013, Entry, p. 4. In the AEP Storm Case, AEP applied

for a rider to recover certain storm costs, including costs associated with the 2012 Derecho. Id. at 1.

OCC requested local public hearings to give customers an opportunity to testify about the amount of money sought by AEP Ohio, as well as the utility's service restoration efforts. AEP Storm Case, July 19, 2013, Motion for Procedural Schedule that Provides Adequate Time for Discovery and Hearing Preparation and Schedules Local Public Hearings by The Office of the Ohio Consumers' Counsel, p. 4. As in this proceeding, OCC urged the Commission to follow In the Matter of the Application of the Ohio Bell Telephone Co., Case No. 90-467-TP-ATA ("Ohio Bell Case"), June 24, 1991, Entry, pp. 2-3. Id. at 3-4 & n.8.

The Attorney Examiner denied OCC's motion:

"OCC fails to provide a reasonable justification in support of conducting local public hearings in this matter. OCC concedes that local public hearings are not required by statute, and the attorney examiner points out that OCC's reliance on *Ohio Bell* as precedent is misguided, as that proceeding pertained to the establishment of a new service by a utility. Not only are public hearings not required by statute, but also the interests of residential ratepayers are capably represented through OCC's intervention in this matter."

Aug. 6, 2013, Entry, p. 4 (emphasis added).

The Commission should reach the same result here. There is no statute that requires the Commission to conduct local public hearings in this case, and residential customers are capably represented by OCC.

In addition, OCC has failed to identify any comparable case where the Commission has ordered local public hearings, relying only on cases involving applications for

either new utility services or new standard service offers. See Ohio Bell Case, June 24, 1991, Entry, pp. 2-3 and Appendix A (local hearings scheduled where the utility sought to provide new "Caller ID" and "Automatic Callback" services); In the Matter of the Self-Complaint of Columbus Southern Power Company and Ohio Power Company Regarding the Implementation of Programs to Enhance Distribution Service Reliability, Case No. 06-222-EL-SLF, Nov. 27, 2006, Entry, p. 1 (local hearings scheduled where utility sought to implement new reliability programs); In the Matter of the Application of Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company for Authority to Establish a Standard Service Offer Pursuant to Section 4928.143, Revised Code, in the Form of an Electric Security Plan, Case No. 08-935-EL-SSO, Sept. 9, 2008, Entry, p. 1 (local hearings scheduled where utility sought to establish a new standard service offer); In the Matter of the Application of Duke Energy Ohio, Inc., for Approval of an Electric Security Plan, Case No. 08-920-EL-SSO, Sept. 17, 2008, Entry, pp. 1-2 (same). Those cases are therefore not on point.

Accordingly, the Motion for Local Public Hearings and Request for an Expedited Ruling by the Office of the Ohio Consumers' Counsel should be denied.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I certify that a copy of The Dayton Power and Light Company's Memorandum in Opposition to Motion for Local Public Hearings and Request for an Expedited Ruling by the Office of the Ohio Consumers' Counsel has been served via electronic mail upon the following counsel of record, this 26th of February, 2014:

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Summary: Memorandum The Dayton Power and Light Company's Memorandum in Opposition to Motion for Local Public Hearings and Request for an Expedited Ruling by the Office of the Ohio Consumers' Counsel electronically filed by Mr. Jeffrey S Sharkey on behalf of The Dayton Power and Light Company