

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the matter of the Application of The Dayton)
Power and Light Company for Approval to)
Modify PUCO No. 17 Electric Distribution) Case No. 13-251-EL-ATA
Service Sheet No. D12, Extension of Electric)
Utilities.)

FINDING AND ORDER

The Commission finds:

- (1) The Dayton Power and Light Company (DP&L), is a public utility as defined in R.C. 4905.02 and, as such, is subject to the jurisdiction of this Commission.
- (2) On May 30, 2013, DP&L filed an application proposing to amend its Distribution Tariff to clarify that any municipal, public authority, or other party requiring or requesting the construction or relocation of General Distribution Facilities underground will bear the cost of such special construction. Such a provision, DP&L maintains, is in accord with the pronouncement in *In re Complaint of Reynoldsburg* (2012), 134 Ohio St. 3d 29.
- (3) Under the terms of the proposed tariffs, a party requesting relocation of facilities from overhead to underground would be required to pay the actual cost of the relocation. Where facilities do not exist, the party would be required to pay the incremental cost of underground construction as compared to standard overhead construction costs.
- (4) The Commission has reviewed DP&L's application to revise its tariffs, and finds that the proposed modifications do not appear to be unjust and unreasonable. Therefore, we find that the application should be approved.

It is, therefore,

ORDERED, That the application and proposed tariffs filed by DP&L be approved. It is, further,


ORDERED, That DP&L be authorized to file, in final form, complete copies of its tariffs, consistent with this finding and order. DP&L shall file one copy in its TRF docket (or make such filing electronically as directed in Case No. 06-900-AU-WVR) and one copy in this case docket. It is further,

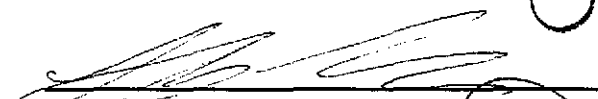
ORDERED, That the effective date of the new tariffs shall be a date not earlier than the date of this finding and order and the date upon which final tariffs are filed with the Commission. It is, further,

ORDERED, That nothing in this finding and order shall be binding upon this Commission in any future proceeding or investigation involving the justness or reasonableness of any rate, charge, rule, or regulation. It is, further,

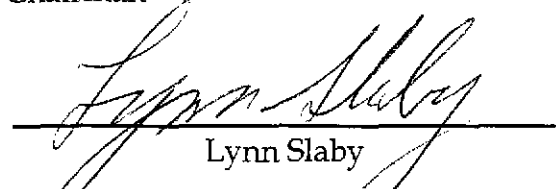
ORDERED, That a copy of this finding and order be served upon all parties of record.

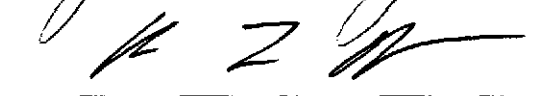
THE PUBLIC UTILITIES COMMISSIN OF OHIO


Todd A. Snitchler, Chairman


Steven D. Lesser


M. Beth Trombold

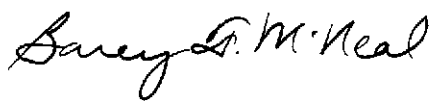

Lynn Slaby


Asim Z. Haque

JM/jd

Entered in the Journal

FEB 26 2014



Barcy F. McNeal
Secretary