

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of The	:	
Dayton Power and Light Company for	:	CASE NO. 13-2420-EL-UNC
Authority to Transfer or Sell Its Generation	:	
Assets	:	

**THE DAYTON POWER AND LIGHT COMPANY'S
MEMORANDUM IN OPPOSITION TO THE MOTION FOR
CONFERENCE OF THE OHIO ENERGY GROUP**

The Commission should deny the July 15, 2014 Motion for Conference of the Ohio Energy Group ("OEG"), because it is inconsistent with, and unnecessary to, the comment process that the Commission has chosen for this proceeding. OEG seeks a conference to discuss the recent decision¹ by AES Corporation ("AES") to retain the generation assets.

The Attorney Examiner ordered comments to assist the Commission in review of the December 30, 2013 Application of The Dayton Power and Light Company ("DP&L") to Transfer or Sell Its Generation Assets. Jan. 3, 2014 Entry, ¶ 3. By subsequent entries of March 4 and May 30, 2014, the comment periods were extended to allow for comments on DP&L's supplemental applications. The conference sought by OEG is unnecessary to that approach.

¹ July 14, 2014 Notice of Updated Development by The Dayton Power and Light Company.

The Amended Supplemental Application proposed two alternative tracks for divesting DP&L's generation assets. Under Track 1, DP&L would transfer its generation assets to an affiliate in 2017. Amended Supplemental Application, ¶¶ 6-14. Under Track 2, DP&L would transfer its generation assets to an affiliate, which would then transfer those assets to an unaffiliated third party pursuant to a Purchase and Sale Agreement. *Id.* at ¶¶ 15-25. The Amended Supplemental Application describes Track 1 and Track 2 in substantial detail and provides all of the detail that DP&L can provide at this time. However, as explained in the July 15, 2014 Reply Comments in Support of the Amended Supplemental Application of The Dayton Power and Light Company to Transfer or Sell Its Generation Assets ("DP&L Reply Comments"), a Track 2 sale will not occur in 2014 given AES's decision to retain DPL Inc.'s generation assets.²

Seven parties – including OEG – filed extensive comments in response to the Amended Supplemental Application. Given those filings, the Commission should not hold a conference merely to discuss the fact that one of DP&L's two alternative proposals for divesting its generation assets will not occur this year, particularly when DP&L has until January 1, 2017 to divest those assets.³ The Motion for Conference should be denied as unnecessary.

² A Track 2 sale could be used in the eventuality that such a sale becomes a possibility in the future. DP&L Reply Comments, p. 1.

³ 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, et al., Case Nos. 12-426-EL-SSO, et al., Fourth Entry on Rehearing, ¶ 12 (June 4, 2014).

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing The Dayton Power and Light Company's Memorandum in Opposition to the Motion for Conference of The Ohio Energy Group has been served via electronic mail upon the following counsel of record, this 24th day of July, 2014:

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Summary: Memorandum The Dayton Power and Light Company's Memorandum in Opposition to the Motion for Conference of the Ohio Energy Group electronically filed by Mr. Jeffrey S Sharkey on behalf of The Dayton Power and Light Company