

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of the	:	
Significantly Excessive Earnings Test under	:	Case No. 15-928-EL-UNC
Section 4928.143(F), Ohio Revised Code, and	:	
Rule 4901:1-35-03(C)(10), Ohio	:	
Administrative Code for The Dayton Power	:	
and Light Company	:	

---

**STIPULATION AND RECOMMENDATION**

---

**INTRODUCTION**

Rule 4901-1-30, Ohio Administrative Code (O.A.C.) provides that any two or more parties to a proceeding may enter into a written stipulation covering the issues presented in such a proceeding. The purpose of this document is to set forth the understanding and agreement of the parties who have signed below (the “Signatory Parties”) and to recommend that the Public Utilities Commission of Ohio (“PUCO” or “Commission”) approve and adopt this Stipulation and Recommendation (“Stipulation”), as part of its Opinion and Order in this proceeding, resolving all of the issues in this proceeding.

This Stipulation is supported by adequate data and information; represents a just and reasonable resolution of the issues in this proceeding; violates no regulatory principle or precedent; and is the product of serious bargaining among knowledgeable and capable Signatory Parties in a cooperative process and undertaken by the Signatory Parties representing a wide range of interests to resolve the aforementioned issues. For purposes of resolving the issues

raised by this proceeding, the Signatory Parties stipulate, agree, and recommend as set forth below.

## **PARTIES**

This Stipulation is entered into by and between The Dayton Power and Light Company (“DP&L” or “Company”) and the Staff of the Public Utilities Commission of Ohio (“Staff”)<sup>1</sup> (collectively the “Signatory Parties”).

## **STIPULATION**

The Company has calculated its earned return on equity in 2014, as adjusted by specific items contemplated by the Commission in Case No. 09-786-EL-UNC, to be 9.4 percent. The Signatory Parties stipulate, and recommend that DP&L did not incur significantly excessive earnings with respect to the Company’s ESP in 2014.

The Signatory Parties stipulate, and recommend that the Commission admit the Company’s Application and accompanying materials filed May 15, 2015, and Supplement and accompanying materials filed May 28, 2015, into the record of this proceeding and issue its Opinion and Order in this proceeding determining that significantly excessive earnings under Revised Code Section 4928.143(F) did not occur with respect to the Company’s ESP in 2014.

## **PROCEDURAL ISSUES**

This Stipulation is submitted for purposes of this proceeding only, and is not deemed binding in any other proceeding, nor is it to be offered or relied upon in any other

---

<sup>1</sup> The Commission Staff is a party for the purpose of entering into this Stipulation pursuant to O.A.C. 4901-1-10(C).

proceedings, except as necessary to enforce the terms of this Stipulation. The agreement of the Signatory Parties reflected in this document is expressly conditioned upon its acceptance in its entirety and without alteration by the Commission. The Signatory Parties agree that if the Commission or any court of competent jurisdiction rejects all or any material part of this Stipulation, or otherwise materially modifies its terms, any adversely affected Signatory Party shall have the right to file an application for rehearing or a motion for reconsideration. If such application or motion is filed, and if the Commission or court does not, on rehearing or reconsideration, accept the Stipulation without material modification within 45 days of the filing of such motion, then anytime thereafter the adversely affected Signatory Party may terminate its Signatory Party status without penalty or cost and regain its rights as a non-Signatory Party as if it had never executed the Stipulation by filing a notice with the Commission and the other Signatory Parties.

Unless the Signatory Party exercises its right to terminate its Signatory Party status as described above, each Signatory Party agrees to and will support the reasonableness of this Stipulation before the Commission, and to cause its counsel to do the same, and in any appeal from the Commission's adoption and/or enforcement of this Stipulation. The Signatory Parties also agree to urge the Commission to accept and approve the terms hereof as promptly as possible.

IN WITNESS WHEREOF, this Stipulation has been signed by the authorized agents of the undersigned Parties as of this 9<sup>th</sup> day of September, 2015. The undersigned Parties respectfully request the Commission to issue its Opinion and Order determining that significantly excessive earnings did not occur with respect to the Company's ESP in 2014. The Stipulation

will be held open for additional intervenors and parties to sign on as Signatory Parties until the issuance of an Order by the Commission.

**THE DAYTON POWER AND LIGHT  
COMPANY**

By: /s/Judi L. Sobecki  
**Judi L. Sobecki**  
1065 Woodman Drive  
Dayton, OH 45432  
937.259.7171 (telephone)  
937.259.7178 (fax)  
[judi.sobecki@dplinc.com](mailto:judi.sobecki@dplinc.com)

**STAFF OF THE PUBLIC UTILITIES  
COMMISSION OF OHIO**

By: /s/Thomas W. McNamee  
**Thomas W. McNamee**  
Assistant Attorney General  
Public Utilities Section  
180 East Broad Street, 6<sup>th</sup> Floor  
Columbus, OH 43215-3793  
614.466.4397 (telephone)  
614.644.8764 (fax)  
[thomas.mcnamee@puc.state.oh.us](mailto:thomas.mcnamee@puc.state.oh.us)

## **PROOF OF SERVICE**

I hereby certify that a true copy of the foregoing **Stipulation and Recommendation** submitted on behalf of the Staff of the Public Utilities Commission of Ohio, was served via email upon the following Parties of Record, this 9<sup>th</sup> day of September, 2015.

/s/ Thomas W. McNamee

**Thomas W. McNamee**  
Assistant Attorney General

### **Parties of Record:**

Eric R Brown  
The Dayton Power and Light Company  
MacGregor Park  
1065 Woodman Drive  
Dayton, Ohio 45432

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

**Commission of Ohio Docketing Information System on**

**9/9/2015 10:45:38 AM**

**in**

**Case No(s). 15-0928-EL-UNC**

Summary: Stipulation Stipulation and Recommendation electronically filed by Mrs. Tonnetta Y Scott on behalf of PUCO