

In the Matter of the Application of )  
The Dayton Power and Light Company ) Case No. 16-0649-EL-POR  
for Approval of its Energy Efficiency and )  
Peak Demand Reduction Portfolio Plan )

The Dayton Power and Light Company (“DP&L” or the “Company”), an electric utility as defined in Ohio Rev. Code (“O.R.C.”) 4928.01(A)(11), seeks a limited waiver that would extend the April 15, 2016 filing requirement, set forth in Ohio Adm. Code (“O.A.C.”) 4901:1-39-04(A), by 6 months until October 15, 2016, or such later time as the Commission deems appropriate. Pursuant to the requirements set out in O.A.C. 4901:1-39-04(A), DP&L is normally required to make its 2016 energy efficiency (“EE”) and peak demand reduction (“PDR”) portfolio filing by April 15, 2016. For the reasons stated below, however, DP&L respectfully requests that the Commission grant a limited waiver to allow DP&L to make its 2016 EE/PDR portfolio filing on or after October 15, 2016.

The commission may, upon application or motion filed by a party, waive any requirement of this chapter, other than a requirement mandated by statute, for good cause shown.

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fifteenth of April every third year thereafter, **unless otherwise directed by the commission.**”<sup>1</sup>

Due to the fact that the April 15, 2016 deadline is rapidly approaching, DP&L requests an expedited ruling on this Application.

Good cause exists for granting DP&L’s application for limited waiver and extension. The amendments to O.R.C. 4928.66, with the passage of Senate Bill 310 (“SB 310”), froze the energy efficiency and peak demand reduction mandates at 2014 levels for a period of two years. The uncodified part of SB 310 gave the electric distribution utilities the option to extend their then-current portfolio plans through 2016, or amend their plans to meet the frozen standard.<sup>2</sup> DP&L opted to extend its existing portfolio. As a result, there is no urgency for DP&L to file its program portfolio because DP&L is in compliance with the cumulative benchmarks set forth in O.R.C. 4928.66 *et al.* through 2019. In fact, the Commission cannot even rule on a new portfolio plan filing until January 1, 2017.<sup>3</sup>

Aside from a lack of urgency, DP&L has several significant cases that are currently pending, which may affect or impact how DP&L’s future EE/PDR efforts are structured. These cases include, but are not limited to, 16-1830-EL-AIR (filed November 30, 2015), 16-395-EL-SSO (filed February 22, 2016), and 16-329-EL-RDR (filed March 14, 2016). Moreover, SB 310 also created an Energy Mandates Study Committee to evaluate next steps for EE and PDR. The Committee issued a report and recommendations on September 30, 2015. Potential legislative change resulting from the Committee’s report and recommendation could also impact future EE/PDR requirements of DP&L. Due to the various actions that DP&L has pending before the

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<sup>1</sup> O.A.C. 4901:1-39-04(A).

<sup>2</sup> SB 310, Section 6.

<sup>3</sup> SB 310, Section 7 (stating “Prior to January 1, 2017, the Commission shall not take any action with regard to any portfolio plan or application regarding a portfolio plan, except those actions expressly authorized or required by Section 6 of this act and actions necessary to administer the implementation of existing portfolio plans”).

Commission, and the potential for legislative action, DP&L requests a temporary extension in filing its next energy efficiency portfolio plan. In the interests of efficiency, this temporary extension will avoid the expenditure of unnecessary time and resources by the DP&L, stakeholders, and the Commission until there is more clarity through Commission decisions and/or legislation.

Accordingly, the DP&L requests that the 2016 portfolio filing be delayed 6 months until October 15, 2016, or such later date as the Commission deems appropriate. Due to the fact that the existing April 15, 2016 deadline is rapidly approaching, DP&L respectfully requests an expedited ruling on this Application.

Respectfully submitted,

*/s/ Jeremy M. Grayem*

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

**Commission of Ohio Docketing Information System on**

**3/25/2016 2:26:47 PM**

**in**

**Case No(s). 16-0649-EL-POR**

Summary: Application Application for Limited Waiver of The Dayton Power and Light Company and Request for Expedited Ruling electronically filed by Mr. Jeremy M. Grayem on behalf of Dayton Power & Light