

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of)	
The Dayton Power and Light Company)	Case No. 12-426-EL-SSO
for Approval of Its Market Rate Offer.)	
In the Matter of the Application of)	
The Dayton Power and Light Company)	Case No. 12-427-EL-ATA
for Approval of Revised Tariffs.)	
In the Matter of the Application of)	
The Dayton Power and Light Company)	Case No. 12-428-EL-AAM
for Approval of Certain Accounting)	
Authority.)	
In the Matter of the Application of)	
The Dayton Power and Light Company)	Case No. 12-429-EL-WVR
for Waiver of Certain Commission Rules.)	
In the Matter of the Application of)	
The Dayton Power and Light Company)	Case No. 12-672-EL-RDR
to Establish Tariff Riders.)	

**INDUSTRIAL ENERGY USERS-OHIO'S
NOTICE OF ADDITIONAL AUTHORITY – MANDATE OF
THE OHIO SUPREME COURT**

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JULY 6, 2016

ATTORNEYS FOR INDUSTRIAL ENERGY USERS-OHIO

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**INDUSTRIAL ENERGY USERS-OHIO’S
NOTICE OF ADDITIONAL AUTHORITY – MANDATE OF
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On June 20, 2016, the Supreme Court of Ohio issued a decision that reversed the Public Utilities Commission of Ohio’s (“Commission”) authorization of The Dayton Power and Light Company’s (“DP&L”) Service Stability Rider (“SSR”). *In re Application of Dayton Power & Light Co.*, Slip Opinion No. 2016-Ohio-3490. Based on the Court’s decision and to prevent further injury to customers, Industrial Energy Users-Ohio (“IEU-Ohio”) and the Office of the Ohio Consumers’ Counsel (“OCC”) filed a motion seeking an order vacating the authorization of the SSR (“Motion to Vacate Authorization of the SSR”) on June 21, 2016. DP&L opposed the Motion to Vacate Authorization of the SSR on the ground that the Commission did not have jurisdiction until the Court issued a

mandate. Memorandum of The Dayton Power and Light Company in Opposition to the Motion of Industrial Energy Users-Ohio and the Office of the Ohio Consumers' Counsel for an Order Vacating the Authorization of the Service Stability Rider at 2 (June 28, 2016).

This Notice of Additional Authority is in support of the Motion to Vacate Authorization of the SSR. On July 6, 2016, the Clerk of the Court issued the Mandate. See Supreme Court of Ohio, Case Information, Docket 2014-1505, available at: <http://www.supremecourt.ohio.gov/Clerk/ecms/#/caseinfo/2014/1505>. Based on the Mandate, DP&L's jurisdictional argument is now without merit and moot. Therefore, the Commission must issue orders vacating authorization of the SSR and directing DP&L to modify the SSR tariff sheets to terminate billing and collection of the SSR.

Respectfully submitted,

/s/ Matthew R. Pritchard

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CERTIFICATE OF SERVICE

In accordance with Rule 4901-1-05, Ohio Administrative Code, the PUCO's e-filing system will electronically serve notice of the filing of this document upon the following parties. In addition, I hereby certify that a service copy of the foregoing *Industrial Energy Users-Ohio's Notice of Additional Authority – Mandate of the Ohio Supreme Court* was sent by, or on behalf of, the undersigned counsel for IEU-Ohio to the following parties of record this 6th day of July 2016, via electronic transmission.

/s/ Matthew R. Pritchard

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Case No(s). 12-0426-EL-SSO, 12-0427-EL-ATA, 12-0428-EL-AAM, 12-0429-EL-WVR, 12-0672-EL-RDR

Summary: Motion Industrial Energy Users-Ohio's Notice of Additional Authority – Mandate of the Ohio Supreme Court electronically filed by Mr. Matthew R. Pritchard on behalf of Industrial Energy Users-Ohio