

THE PUBLIC UTILITIES COMMISSION OF OHIO

**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.**

CASE No. 08-1094-EL-SSO

**IN THE MATTER OF THE APPLICATION OF
THE DAYTON POWER AND LIGHT
COMPANY FOR APPROVAL OF REVISED
TARIFFS.**

CASE No. 08-1095-EL-ATA

**IN THE MATTER OF THE APPLICATION OF
THE DAYTON POWER AND LIGHT
COMPANY FOR APPROVAL OF CERTAIN
ACCOUNTING AUTHORITY.**

CASE No. 08-1096-EL-AAM

**IN THE MATTER OF THE APPLICATION OF
THE DAYTON POWER AND LIGHT
COMPANY FOR WAIVER OF CERTAIN
COMMISSION RULES.**

CASE No. 08-1097-EL-UNC

ENTRY

Entered in the Journal on August 3, 2016

{¶ 1} The Dayton Power and Light Company (DP&L) is a public utility as defined under R.C. 4905.02, and, as such, is subject to the jurisdiction of this Commission.

{¶ 2} R.C. 4928.141 provides that an electric distribution utility (EDU) shall provide consumers within its certified territory a standard service offer (SSO) of all competitive retail electric services necessary to maintain essential electric services to customers, including a firm supply of electric generation services. The SSO may be either a market rate offer in accordance with R.C. 4928.142 or an electric security plan (ESP) in accordance with R.C. 4928.143.

{¶ 3} Further, R.C. 4928.143(C)(2)(b) provides that "[i]f the utility terminates an application * * * or if the commission disapproves an application * * *, the commission shall issue such order as is necessary to continue the provisions, terms, and conditions of the utility's most recent standard service offer, along with any expected increases or decreases in fuel costs from those contained in that offer, until a subsequent offer is authorized pursuant to this section or section 4928.142 of the Revised Code, respectively."

{¶ 4} By Opinion and Order issued on June 24, 2009, in this proceeding, the Commission approved a stipulation and recommendation to establish DP&L's first ESP. *In re The Dayton Power and Light Co.*, Case No. 08-1094-EL-SSO, et al., Opinion and Order (June 24, 2009) (*ESP I*). Thereafter, on December 19, 2012, the Commission extended *ESP I* until a subsequent SSO was authorized.

{¶ 5} Thereafter, by Opinion and Order issued on September 4, 2013, in Case No. 12-426-EL-SSO, the Commission approved DP&L's proposal for a second ESP with certain modifications. Entries on Rehearing were subsequently issued by the Commission on October 24, 2013; March 19, 2014; June 4, 2014; and July 23, 2014. *In re The Dayton Power and Light Co.*, Case No. 12-426-EL-SSO, et al. (*ESP II*).

{¶ 6} On June 20, 2016, the Supreme Court of Ohio issued an opinion reversing the decision of the Commission in *ESP II*. *In re Application of Dayton Power & Light Co.*, Slip Op. No. 2016-Ohio-3490, Sup. Ct. Case No. 2014-1505 (June 20, 2016).

{¶ 7} On July 27, 2016, DP&L filed a motion and memorandum in support to withdraw its application for *ESP II*. Contemporaneously with its motion to withdraw *ESP II*, DP&L filed a motion in this proceeding to implement its previously authorized rates from *ESP I*. Further, on August 1, 2016, DP&L filed proposed tariffs which DP&L contends are consistent with the tariffs the Commission approved in its June 24, 2009, Order in this matter. *ESP I*, Opinion and Order (June 24, 2009).

{¶ 8} The attorney examiner finds that parties should be provided an opportunity to file comments regarding DP&L's proposed tariffs. Accordingly, interested parties may file comments on DP&L's proposed tariffs no later than August 12, 2016.

{¶ 9} It is, therefore,

{¶ 10} ORDERED, That parties be provided the opportunity to file comments on DP&L's proposed tariffs by August 12, 2016. It is, further,

{¶ 11} ORDERED, That a copy of this Entry be served upon each party of record in this case and to each party of record in Case No. 12-426-EL-SSO.

THE PUBLIC UTILITIES COMMISSION OF OHIO

s/Bryce McKenney

By: Bryce A. McKenney
Attorney Examiner

SEF/sc

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in

Case No(s). 08-1094-EL-SSO, 08-1095-EL-ATA, 08-1096-EL-AAM, 08-1097-EL-UNC

Summary: Attorney Examiner Entry directing that the parties be provided the opportunity to file comments on DP&L's proposed tariffs by 08/12/2016. - electronically filed by Sandra Coffey on behalf of Bryce McKenney, Attorney Examiner, Public Utilities Commission of Ohio