

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. 16-395-EL-SSO

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

CASE NO. 16-396-EL-ATA

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

CASE NO. 16-397-EL-AAM

ENTRY

Entered in the Journal on August 16, 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} On February 22, 2016, DP&L filed an application for a standard service offer (SSO) pursuant to R.C. 4928.141. DP&L's application is for an electric security plan (ESP) in accordance with R.C. 4928.143. Additionally, DP&L filed accompanying applications for approval of revised tariffs and for approval of certain accounting authority. In its application, DP&L asserts that the proposed ESP is designed to promote economic growth and stability in the state of Ohio.

{¶ 3} The attorney examiner finds that the following procedural schedule should be established for this proceeding:

- (a) Local Public Hearings September 27, 2016
- (b) Intervenor Testimony Due September 30, 2016
- (c) Prehearing Conference October 20, 2016
- (d) Evidentiary Hearing October 25, 2016

{¶ 4} Pursuant to Ohio Adm.Code 4901:1-35-06(A), DP&L should publish legal notice of the local hearings and the evidentiary hearing one time in a newspaper of general circulation in each county in DP&L's certified territory. The notices should not appear in the legal notices section of the newspaper. The notice should read as follows:

LEGAL NOTICE

The Public Utilities Commission of Ohio has scheduled local hearings and an evidentiary hearing in Case No. 16-395-EL-SSO, *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*. In this proceeding, the Commission will consider DP&L's application, filed on February 22, 2016, requesting approval of an electric security plan for the supply of Standard Service Offer electric generation service.

The local hearings are scheduled for the purpose of providing an opportunity for interested members of the public to testify in this proceeding. The local hearings will be held as follows:

- (a) Tuesday, September 27, 2016, at 1:00 p.m., at the Dayton Municipal Building, Council Chambers, 101 W. Third Street, Third and Ludlow, Second Floor, Dayton, Ohio 45401.

- (b) Tuesday, September 27, 2016, at 6:00 p.m., at the Dayton Municipal Building, Council Chambers, 101 W. Third Street, Third and Ludlow, Second Floor, Dayton, Ohio 45401.

Thereafter, the evidentiary hearing regarding DP&L's application is currently scheduled to commence on Tuesday, October 25, 2016, at 10:00 a.m., at the offices of the Commission, 180 East Broad Street, Columbus, Ohio 43215, 11th Floor, in Hearing Room 11-A. The evidentiary hearing will also be open to the public.

Further information regarding this proceeding can be obtained by contacting the Public Utilities Commission of Ohio at 180 East Broad Street, Columbus, Ohio 43215; by viewing the Commission's web page at <http://www.puco.ohio.gov>, clicking on the link to the Docketing Information System and entering the Case No. 16-395-EL-SSO; or by contacting the Commission's call center at 1-800-686-7826.

{¶ 5} By Entry issued on April 11, 2016, the attorney examiner determined that motions to intervene in this proceeding should be filed by June 30, 2016. Motions to intervene in this proceeding were timely filed by the Environmental Law and Policy Center (ELPC), the Independent Market Monitor for PJM (Market Monitor), the Ohio Energy Group (OEG), Energy Professionals of Ohio, Industrial Energy Users Ohio (IEU-Ohio), Dynegy, Inc. (Dynegy), the Kroger Company (Kroger), Ohio Manufacturers' Association Energy Group (OMAEG), the Ohio Consumers' Counsel (OCC), IGS Energy (IGS), Noble Americas Energy Solutions, LLC (Noble), Ohio Partners for Affordable Energy (OPAE), the Ohio Environmental Council and Environmental Defense Fund (Environmental Groups), EnerNOC, Inc. (EnerNOC), Sierra Club, the Ohio Hospital Association (OHA), City of Dayton, Duke Energy Ohio, Inc. (Duke), PJM Power Providers Group and Electric Power Supply Association (EPSA), Honda of America

Manufacturing, Inc. (Honda), Wal-Mart Stores East, LP and Sam's East, Inc. (Wal-Mart), Edgemont Neighborhood Coalition (Edgemont), Mid-Atlantic Renewable Energy Coalition, Utility Workers Union of America Local 175, the Retail Energy Supply Association (RESA), People Working Cooperatively, and PJM Interconnection (PJM). No memoranda contra were filed to any of the motions to intervene. Further, the attorney examiner has reviewed each of the motions to intervene and finds that they are reasonable and satisfy the Commission's requirements for intervention. Accordingly, each of the timely filed motions to intervene are granted.

{¶ 6} Finally, the attorney examiner finds that an expedited discovery procedure should be adopted in this matter. The expedited discovery procedure will require that any memoranda contra to motions filed in this proceeding be filed within five business days after service of the motion, and any reply memoranda filed within three business days of the memoranda contra. Moreover, the provisions of Ohio Adm.Code 4901-1-07(B), which permits three additional days to take action if service is made by mail, will not apply. Pursuant to Ohio Adm.Code 4901-1-05(F), the attorney examiner finds that pleadings, discovery requests, and replies shall be served in person, by fax, or e-mail upon the attorney of record or other person designated by the party. In addition, response time for discovery should be shortened to 10 days. An attorney serving a discovery request shall attempt to contact the attorney upon whom the discovery request will be served in advance to advise him/her that a request is forthcoming. To the extent that a party has difficulty responding to a particular discovery request within the 10-day period, counsel for the parties should discuss the problem and work out a mutually satisfactory solution.

{¶ 7} It is, therefore,

{¶ 8} ORDERED, That the procedural schedule in Paragraph 3 be adopted. It is, further,

{¶ 9} ORDERED, That DP&L publish notice of the evidentiary hearing and the local public hearings. It is, further,

{¶ 10} ORDERED, That the timely filed motions to intervene be granted. It is, further,

{¶ 11} ORDERED, That a copy of this Entry be served upon each party of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

s/Bryce McKenney

By: Bryce A. McKenney
Attorney Examiner

JRJ/sc

This foregoing document was electronically filed with the Public Utilities

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in

Case No(s). 16-0395-EL-SSO, 16-0396-EL-ATA, 16-0397-EL-AAM

Summary: Attorney Examiner Entry adopting a procedural schedule for DP&L's pending ESP, Case No. 16-395-EL-SSO and this Entry also schedules a local public hearing for 09/27/2016 and an evidentiary hearing for 10/25/2016. - electronically filed by Sandra Coffey on behalf of Bryce McKenney, Attorney Examiner, Public Utilities Commission of Ohio