

BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of	:	Case No. 16-0395-EL-SSO
The Dayton Power and Light Company for	:	
Approval of Its Electric Security Plan	:	
	:	
In the Matter of the Application of	:	Case No. 16-0396-EL-ATA
The Dayton Power and Light Company for	:	
Approval of Revised Tariffs	:	
	:	
In the Matter of the Application of	:	Case No. 16-0397-EL-AAM
The Dayton Power and Light Company for	:	
Approval of Certain Accounting Authority	:	
Pursuant to Ohio Rev. Code § 4905.13	:	

**AMENDED APPLICATION OF THE DAYTON POWER AND LIGHT COMPANY
FOR APPROVAL OF ITS ELECTRIC SECURITY PLAN**

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TABLE OF CONTENTS

	<u>PAGE</u>
I. DISTRIBUTION MODERNIZATION RIDER.....	1
II. COMPETITIVE BIDDING.....	4
III. DISTRIBUTION INVESTMENT RIDER.....	4
IV. RECONCILIATION RIDER	5
V. DISTRIBUTION DECOUPLING RIDER.....	5
VI. CLEAN ENERGY RIDER.....	6
VII. STANDARD OFFER RATE.....	6
VIII. CHANGES TO TARIFFS.....	6
IX. OTHER RIDERS.....	7
X. DP&L'S WITNESSES.....	7
XI. THE COMMISSION'S RULES	8
XII. TCRR-N WAIVER.....	14

1. Pursuant to Ohio Rev. Code § 4928.141 and § 4928.143, The Dayton Power and Light Company ("DP&L") seeks Commission approval of an Electric Security Plan ("ESP") with a term of 2017 through 2023. DP&L files this application solely to carry out the withdraw of its Reliable Electricity Rider ("RER") and replace it with the Distribution Modernization Ride ("DMR"). This Application is designed to promote long-term customer benefits by:

- a. Retaining customers' option to shop for a competitive retail electric supplier
- b. Maintaining the 100% competitive bidding structure for non-shopping customers
- c. Introducing a distribution investment rider to support continued investment in distribution system reliability
- d. Introducing a clean energy rider that will facilitate future investment in renewable and advanced technologies
- e. Maintaining DP&L's financial integrity, its ability to finance transmission and distribution infrastructure modernization investments, and ultimately its ability to provide reliable, safe and stable customer service.

I. DISTRIBUTION MODERNIZATION RIDER

2. Pursuant to Ohio Rev. Code § 4928.143(B)(2)(h), § 4928.143(B)(2)(i) and § 4928.143(B)(2)(d), DP&L seeks approval of a Distribution Modernization Rider ("DMR"), during the ESP term in the amount of \$145 million per year. The DMR is necessary to allow DP&L to maintain its financial integrity and to allow DP&L to access equity and debt

capital in order to finance transmission and distribution infrastructure modernization investments.

3. Specifically, DP&L currently faces significant threats to its financial integrity, which threats include, but are not limited to:

- a. Its credit ratings have fallen or are on negative watch;
- b. Anemic load growth; and
- c. Historically low market prices.

4. Recent actions by credit rating agencies demonstrate DP&L's financial need. On June 27, 2016, S&P Global Ratings ("S&P") stated that the Supreme Court's decision reversing the Commission's decision in Case No. 12-426-EL-SSO "increases the likelihood of a weaker financial risk profile, reflecting weaker financial measures for DPL and DP&L that could result in a near term ratings downgrade." On August 30, 2016, S&P issued a Research Update that stated that "the rating outlook is negative." In that same Research Update, S&P further stated that "We could lower the ratings on DPL and DP&L over the next nine months if the company experiences adverse regulatory outcomes that weakened its financial ratios, including FFO to debt that is consistently at or below 9%." Similarly, on July 12, 2016, FitchRatings ("Fitch") revised the rating outlook for DP&L from stable to negative. Fitch explained that "[t]he resolution of the Negative Outlook will depend upon the amount, sustainability and timeliness of alternative regulatory relief from PUCO, as well as the companies' ability to refinance or repay the 2016 maturities in a timely manner with reasonable terms." The agency "continues to believe that the PUCO will ultimately authorize an alternative rider for DP&L to mitigate the Ohio Supreme Court ruling. However, the path and timing to that end are primary credit concerns." On August 11, 2016, Moody's Investor

Services issued a credit opinion that stated that "We believe that outcome of these different regulatory proceedings will be credit supportive for DP&L and DPL. This view considers PUCO's track record of balanced decisions between the end-users' interests and the utilities group's financial viability. However, the negative outlook captures the uncertainty as to the timing of these decisions and whether the terms of the ESP-III will be also subject to future disputes or judicial challenges."

5. Without approval of the Company's proposed DMR, both DP&L and its parent DPL Inc. would be unable to maintain their financial integrity. Specifically, both DPL Inc. and DP&L would:

- a. have insufficient cash flows to pay all normal course obligations including, but not limited to operating expenses, principle and interest, pension contributions, tax payments, and planned transmission and distribution capital expenditures;
- b. face an immediate downgrade of their current credit ratings to below investment grade level;
- c. be unable to pay down debt to appropriately capitalize the business; and
- d. be unable to provide a reasonable return to equity holders.

6. The cash flow from the DMR will be used to (a) pay interest obligations on existing debt at DPL and DP&L (b) make discretionary debt prepayments at DPL and DP&L (c) allow DP&L to make capital expenditures to modernize and/or maintain the Company's transmission and distribution infrastructure.

7. The Commission should approve DP&L's request for a DMR so that it can maintain its financial integrity and continue to provide safe and stable service to customers.

II. COMPETITIVE BIDDING

8. As part of its ESP plan, DP&L proposes to maintain 100% competitive bidding for its standard service offer load, in essentially the same process that exists currently. Two auctions will be conducted for procurement in the first period, June 1, 2017 to May 31, 2018. One auction will be held for subsequent 12 month periods with varying product lengths of 7, 12, 19, 24, 31, 36, and 43 months, for a total of eight auctions in the ESP. The 12-month delivery periods will align with the PJM calendar, with delivery period beginning on June 1st of each year and ending on May 31st of the following year, with an exception in the final period which will be June 1, 2023 to December 31, 2023.

9. DP&L plans for winning bidders of its auctions to supply Renewable Energy Credits sufficient to cover their obligation relating to the amount of SSO load that winning bidders are obligated to supply. The Commission should approve DP&L's plan because it is reasonable for the entity supplying the generation to supply the associated Renewable Energy Credits, given that DP&L is no longer supplying generation for SSO load.

III. DISTRIBUTION INVESTMENT RIDER

10. Pursuant to Ohio Rev. Code § 4928.143(B)(2)(h), DP&L seeks approval of a Distribution Investment Rider ("DIR").

11. The goal of the DIR is to allow DP&L to recover costs of addressing specific infrastructure needs, while allowing DP&L to continue providing safe and affordable delivery service.

12. The DIR is intended to address the following three areas:

- a. Equipment or conditions with potential failure risks;
- b. Technology migration; and
- c. Workforce adaptation.

13. The Distribution Investment Rider will initially be set at zero, and the Company will file a separate proceeding to recover those costs.

IV. RECONCILIATION RIDER

14. DP&L seeks Commission authorization to recover deferred Ohio Valley Electric Corporation ("OVEC") costs through the Reconciliation Rider.

15. The costs that DP&L seeks to recover are the difference between its OVEC expenses and the amounts that DP&L received from selling that generation into PJM's day-ahead markets, to the extent that those costs are not recovered through DP&L's Fuel Rider. The amount of \$10.5 million through December 31, 2015 is requested to set the initial rate for the Reconciliation Rider. The rider will have an annual true-up filing.

V. DISTRIBUTION DECOUPLING RIDER

16. DP&L seeks approval of a Distribution Decoupling Rider to account for the decoupling associated with energy efficiency requirements. This rider is proposed to be in place upon approval and after the distribution rate case is implemented. The purpose of this rider is to recover base distribution dollars that were not collected because of energy reductions from DP&L's energy efficiency programs. DP&L proposes that the Rider be set at zero initially, and that the details of the Rider be established in DP&L's Energy Efficiency Portfolio case.

VI. CLEAN ENERGY RIDER

17. DP&L seeks approval of a Clean Energy Rider that will facilitate future investment in renewable and advanced technologies consistent with state and federal policies. The Clean Energy Rider will recover currently unknown environmental compliance costs, including but not limited to green energy initiatives, environmental expenses, and decommissioning costs.

18. The Clean Energy Rider will initially be set at zero, and the Company will file a separate proceeding to recover those costs.

VII. STANDARD OFFER RATE

19. DP&L is proposing to combine the functions of its current CB Rate and CBT Rider into one tariff, the Standard Offer Rate. The Standard Offer Rate will be the tariff representing DP&L's retail generation charge as a result of its CBP auctions. The Standard Offer Rate will include any over- or under-recovery of supply costs associated with the CBP and recovery of costs to administer and implement the auction that were previously recovered through the CBT Rider. The rate will be an all-energy rate design, and will include a cash working capital component to compensate the Company for the revenue lag and expense leads associated with providing SSO Service. DP&L will continue to make a heating discount available during winter months for residential heating customers.

VIII. CHANGES TO TARIFFS

20. DP&L proposes a number of changes to its Tariffs, including updating the current PUCO No. 17 Generation Tariffs to a new PUCO No. 18 to bring the Generation Tariffs in line with the current needs since the generation rates have been blended with the

Competitive Bid Process. Tariffs that no longer apply are proposed to be eliminated and new tariffs are being renumbered to better organize the overall Tariff Sheets. DP&L proposes to update its Alternate Generation Supplier Coordination Tariff, Competitive Retail Generation Service Tariff, and maximum charge provisions of its Secondary and Primary tariffs.

IX. OTHER RIDERS

21. The riders that DP&L proposes in this case are structured assuming that the riders that DP&L proposed in Case No. 15-1830-EL-AIR case are approved. Modifications to the riders in this case will be necessary for uncollectible dollars (bad debt) if the Uncollectible Rider is not approved in that case. Additionally, if the Commission concludes that the riders proposed in Case No. 15-1830-EL-AIR case should be included in this case, then DP&L requests approval of the Regulatory Compliance Rider, Uncollectible Rider, and Storm Cost Recovery Rider that were proposed and fully supported in Case No. 15-1830-EL-AIR.

22. Additionally, to the extent there are changes in law, rule, or regulatory ruling, DP&L reserves the right to propose a new rider during the ESP term to address such issue. A potential future filing will not constitute a change to the terms of the ESP, but simply clarifies that unknown changes in the future may require recovery riders that cannot be predicted at this time.

X. DP&L'S WITNESSES

23. DP&L's witnesses supporting this Application are:

<u>Witness</u>	<u>Topic</u>
Robert J. Adams	Distribution Investment Rider rate design; typical bill impacts
Eric R. Brown	Competitive bidding process; renewable energy in competitive

<u>Witness</u>	<u>Topic</u>
	bidding process; competitive bidding prices; Standard Offer Rate design
David J. Crusey	Projected market prices
Claire E. Hale	DMR rate design; Clean Energy Rider
Kevin L. Hall	Distribution Investment Rider
Craig L. Jackson	DP&L's financial statements; DP&L's request for a DMR; cost of long-term debt; significantly excessive earnings test
Robert J. Lee	Competitive Bidding Plan
R. Jeffrey Malinak	Financial need for the DMR; ESP v. MRO test
Nathan C. Parke	Overall rate plan; tariff changes; Reconciliation Rider; Distribution Decoupling Rider
Thomas A. Raga	Overview of case filing

XI. THE COMMISSION'S RULES

24. Pursuant to Ohio Admin. Code § 4901:1-35-03(B)(1)(a)-(c), DP&L states that it is a member of the PJM RTO, that PJM has an independent market monitor function, and that a reliable source of electricity pricing information is provided by PJM.

25. Pursuant to Ohio Admin. Code § 4901:1-35-03(B)(2)(a), a complete description of DP&L's Competitive Bidding Plan is contained in the testimony of Company Witnesses Brown and Lee.

26. Pursuant to Ohio Admin. Code § 4901:1-35-03(B)(2)(b), projected generation, transmission, and distribution rate impacts by customer class are supported by the testimony of Company Witnesses Brown and Adams.

27. Pursuant to Ohio Admin. Code § 4901:1-35-03(B)(2)(c), a detailed description of how DP&L's Competitive Bidding Plan ensures open, fair and transparent competitive solicitation is contained in the testimony of Company Witness Lee.

28. Pursuant to Ohio Admin. Code § 4901:1-35-03(B)(2)(d), a detailed description of the customers' loads to be served by the winning bidders, and any known factors that may affect such customer loads is supported by the testimony of Company Witness Lee.

29. Pursuant to Ohio Admin. Code § 4901:1-35-03(B)(2)(e), detailed descriptions of the generation-related services that are to be provided by the winning bidder are supported by the testimony of Company Witness Lee.

30. Pursuant to Ohio Admin. Code § 4901:1-35-03(B)(2)(f), draft copies of all forms, contracts or agreements that must be executed during or upon the completion of the Competitive Bidding Plan are supported by the testimony of Company Witness Lee.

31. Pursuant to Ohio Admin. Code § 4901:1-35-03(B)(2)(g), a description of the proposed methodology by which all bids will be evaluated is supported by the testimony of Company Witness Lee.

32. Pursuant to Ohio Admin. Code § 4901:1-35-03(B)(2)(h), a discussion of alternative retail options that were considered, a description of the rate structure ultimately chosen, the rationale for selection of that rate structure, and the methodology by which DP&L

proposed to convert the winning bid(s) to retail rates is contained in Exhibit ERB-2, which is supported by the testimony of Company Witness Brown.

33. Pursuant to Ohio Admin. Code § 4901:1-35-03(B)(2)(i), DP&L's plan to fund a consultant to operate the competitive bidding process is supported by the testimony of Company Witness Lee.

34. Pursuant to Ohio Admin. Code § 4901:1-35-03(B)(2)(j), a discussion of generation service procurement options that were considered in development of the Competitive Bidding Plan are supported by the testimony of Company Witness Lee.

35. Pursuant to Ohio Admin. Code § 4901:1-35-03(B)(2)(k), a description of DP&L's plan for the Competitive Bidding Plan to comply with the Alternative Energy Portfolio requirements of Ohio Rev. Code § 4928.64 is contained in the testimony of Company Witness Brown. DP&L's plans relating to the energy efficiency requirements and peak demand reduction requirements of Ohio Rev. Code § 4928.66 are contained in the testimony of Company Witness Parke.

36. Pursuant to Ohio Admin. Code § 4901:1-35-03(B)(2)(l), DP&L states that a discussion of known or anticipated obstacles that may create difficulties or barriers for the adoption of its proposed bidding process is contained in the testimony of Company Witness Lee.

37. Pursuant to Ohio Admin. Code § 4901:1-35-03(B)(3), DP&L states that its Corporate Separation Plan was approved in Case No. 13-2442-EL-UNC. DP&L anticipates

revisions to the plan when it separates its generation assets. DP&L is not operating under any waivers of Commission rules.

38. Pursuant to Ohio Admin. Code § 4901:1-35-03(B)(4), DP&L states that its ESP will not affect governmental aggregation programs or implementation of Ohio Rev. Code § 4928.20(I), (J) & (K).

39. Pursuant to Ohio Admin. Code § 4901:1-35-03(C)(1), a complete description of DP&L's ESP is contained in the testimony of Company Witnesses Raga and Jackson.

40. Pursuant to Ohio Admin. Code § 4901:1-35-03(C)(2), pro forma financial projections of the effect of DP&L's ESP are supported by the testimony of Company Witness Jackson.

41. Pursuant to Ohio Admin. Code § 4901:1-35-03(C)(3), projected rate impacts by customer class/rate schedules are supported by the testimony of Company Witness Adams.

42. Paragraph 36 and the materials that it references satisfy Ohio Admin. Code § 4901:1-35-03(C)(4).

43. Pursuant to Ohio Admin. Code § 4901:1-35-03(C)(5), DP&L states that its Operational Support Plan has been implemented and the Company is not aware of any outstanding problems with the implementation.

44. Paragraph 37 and the materials that it references satisfy Ohio Admin. Code § 4901:1-35-03(C)(6).

45. Pursuant to Ohio Admin. Code § 4901:1-35-03(C)(7), DP&L states that it does not expect any nonbypassable charge that it proposes to have an effect on large-scale governmental aggregation.

46. Pursuant to Ohio Admin. Code § 4901:1-35-03(C)(8), a description of how DP&L's ESP is consistent with and advances the policies of this state identified in Ohio Rev. Code § 4928.02(A) to (N) is contained in the testimony of Company Witness Raga.

47. Pursuant to Ohio Admin. Code § 4901:1-35-03(C)(9)(a), DP&L states that it is not seeking the automatic recovery of purchased power costs as permitted by Ohio Rev. Code § 4928.143(B)(2)(a) in this Application.

48. Pursuant to Ohio Admin. Code § 4901:1-35-03(C)(9)(b), DP&L states that it is not seeking an unavoidable surcharge for construction, generation, or environmental expenditures for electric generation facilities pursuant to Ohio Rev. Code § 4928.143(B)(2)(b) or (c).

49. Pursuant to Ohio Admin. Code § 4901:1-35-03(C)(9)(c), DP&L seeks approval of a Distribution Modernization Rider, pursuant to Ohio Rev. Code § 4928.143(B)(2)(d). A description of DP&L's DMR is contained in the testimony of Company Witness Jackson. A description and quantification of the DMR charges is contained in the testimony of Company Witnesses Jackson and Malinak. Support for other nonbypassable charges is contained in the testimony of Company Witnesses Parke and Hale.

50. Pursuant to Ohio Admin. Code § 4901:1-35-03(C)(9)(d), DP&L states that it is not proposing any automatic increases or decreases to any component of its SSO price pursuant to Ohio Rev. Code § 4928.143(B)(2)(e).

51. Pursuant to Ohio Admin. Code § 4901:1-35-03(C)(9)(e), DP&L states that it is not proposing any provisions for the securitization of a phase-in recovery of the standard service offer price pursuant to Ohio Rev. Code § 4928.143(B)(2)(f).

52. Pursuant to Ohio Admin. Code § 4901:1-35-03(C)(9)(f), DP&L states that a description of provisions relating to transmission, ancillary, congestion or any related service pursuant to Ohio Rev. Code § 4928.143(B)(2)(g) is contained in the testimony of Company Witness Parke.

53. Pursuant to Ohio Admin. Code § 4901:1-35-03(C)(9)(g), DP&L states that a description of provisions regarding single issue ratemaking and provisions regarding distribution infrastructure and modernization incentives pursuant to Ohio Rev. Code § 4928.143(B)(2)(h) is contained in the testimony of Company Witnesses Jackson, Malinak and Hall.

54. Pursuant to Ohio Admin. Code § 4901:1-35-03(C)(9)(h), DP&L states that a continuation of DP&L's existing Economic Development Rider ("EDR") is supported by the testimony of Company Witness Parke. DP&L's plan to continue its energy efficiency programs and the associated Energy Efficiency Rider are contained in the testimony of Company Witness Parke. A quantification of the projected effects on rates is contained in the testimony and exhibits of Company Witness Adams.

55. Pursuant to Ohio Admin. Code § 4901:1-35-03(C)(10), a description of DP&L's plans related to the significantly excessive earnings tests in Ohio Rev. Code § 4928.143(E) and (F) is contained in the testimony of Company Witness Jackson.

XII. TCRR-N WAIVER

56. The Commission previously authorized DP&L to implement its TCRR-N. Sept. 4, 2013 Opinion and Order, p. 36 (Case No. 12-426-EL-SSO). DP&L intends to continue the TCRR-N during its ESP, and thus seeks a waiver of the requirement in Ohio Admin. Code § 4901:1-36-04(B) that transmission costs be recovered through a bypassable rider. DP&L also intends to continue the adjusted TCRR-N filing schedule authorized by the Commission. Thus DP&L seeks a waiver of certain sections of the Commission's April 15, 2009 Order in Case No. 08-777-EL-ORD, which was entered pursuant to Ohio Admin. Code § 4901:1-36-03(B), and which provides: "Each electric utility with an approved transmission cost recovery rider shall update the rider on an annual basis pursuant to a schedule set forth by commission order." The Commission April 15, 2009 Order directs that DP&L file its annual TCRR true-up application no later than February 15 of each year, for rates to become effective on May 1. DP&L requests that the Commission allow DP&L to file its annual application by March 15 of each year, for rates to be effective June 1.

WHEREFORE, DP&L requests that this Commission:

1. Approve the Distribution Modernization Rider;
2. Approve DP&L's competitive bidding plans;
3. Approve DP&L's Distribution Investment Rider;
4. Approve DP&L's Reconciliation Rider;

5. Approve DP&L's Distribution Decoupling Rider;
6. Approve DP&L's Clean Energy Rider;
7. Approve DP&L's Standard Offer Rates;
8. Approve DP&L's proposed Tariff changes;
9. Approve the other riders listed in Section IX;
10. Approve DP&L's request for a waiver;
11. That DP&L be granted accounting authority to defer for future recovery the over/under collection and the initial costs for the proposed true-up riders Standard Offer Rate, Reconciliation Rider, Distribution Investment Rider, Distribution Decoupling Rider, and Clean Energy Rider;
12. That the Commission issue such other orders as may be just and proper.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Amended Application of The Dayton Power and Light Company for Approval of Its Electric Security Plan has been served via electronic mail upon the following counsel of record, this 11th day of October, 2016:

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Summary: Amended Application Amended Application of The Dayton Power and Light Company for Approval of Its Electric Security Plan electronically filed by Mr. Charles J. Faruki on behalf of The Dayton Power and Light Company