

## 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 February 7, 2017

{¶ 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} By Opinion and Order (Order) issued on June 24, 2009, in this case, the Commission adopted the stipulation and recommendation of the parties (Stipulation) to establish DP&L's first ESP (*ESP I*). Included as terms, conditions, or charges in *ESP I* were a rate stabilization charge (RSC), an environmental investment rider (EIR), and a fuel and

purchased power rider. Thereafter, by Entry issued on December 19, 2012, the Commission continued *ESP I*, including the RSC, until a subsequent SSO could be authorized.

{¶ 4} By Order issued on September 4, 2013, the Commission modified and approved DP&L's application for a second ESP (*ESP II*). Included in *ESP II* was a service stability rider (SSR) for DP&L's financial integrity. *In re The Dayton Power and Light Co.*, Case No. 12-426-EL-SSO, et al. (*ESP II Case*), Opinion and Order (Sept. 4, 2013). On June 20, 2016, the Supreme Court of Ohio issued an opinion reversing the decision of the Commission approving *ESP II* and disposing of all pending appeals. *In re Application of Dayton Power & Light Co.*, \_\_\_Ohio St.3d\_\_\_, 2016-Ohio-3490, \_\_\_N.E.3d\_\_\_. Subsequently, on July 16, 2016, a mandate from the Supreme Court of Ohio was filed in the *ESP II Case* requiring the Commission to modify its order or issue a new order. Therefore, on August 26, 2016, in the *ESP II Case*, the Commission modified *ESP II* pursuant to the Court's directive and then granted DP&L's application to withdraw *ESP II*, thereby terminating it.

{¶ 5} R.C. 4928.143(C)(2)(b) provides that if the utility terminates an application for an ESP 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 SSO, along with any expected increases or decreases in fuel costs from those contained in that offer, until a subsequent SSO is authorized. By Order issued on August 26, 2016, in this case, the Commission granted DP&L's application to implement its most recent SSO, which is *ESP I*, pursuant to R.C. 4928.143(C)(2)(b). Additionally, the Commission directed DP&L to file tariffs to implement *ESP I*. The Commission found the tariffs should be approved as they relate to honoring existing contracts with winning competitive bid suppliers and maintaining current obligations for all suppliers.

{¶ 6} Thereafter, on February 22, 2016, filed a new application for a SSO, with accompanying applications for approval of revised tariffs and for approval of certain accounting authority. *In re The Dayton Power and Light Co.*, Case No. 16-395-EL-SSO, et al.

(*ESP III Case*). On January 30, 2017, in the *ESP III Case*, a stipulation and recommendation was filed between DP&L and some of the parties.

{¶ 7} On February 1, 2017, DP&L filed a notice regarding a competitive bidding schedule. In the notice, DP&L notes that because a stipulation was recently filed in the *ESP III Case* that will require testimony and a hearing, it is not ensured that the *ESP III Case* will be resolved before DP&L's most recent competitive bid process expires on May 31, 2017. Thus, DP&L avers it is committed to holding a competitive bid process to be in place by June 1, 2017.

{¶ 8} In the notice, DP&L states auctions will be conducted as proposed in its application in the *ESP III Case* and as modified in the stipulation filed on January 30, 2017. As proposed, the initial auctions will be conducted on April 3, 2017, and April 24, 2017. Each auction will be for 50 tranches and will offer varying product lengths of 12, 24, and 36 months. The delivery period will begin on June 1 of each year and end on May 31 of the following year.

{¶ 9} Accordingly, in order to accomplish a review of DP&L's proposal, the attorney examiner directs interested parties to file comments by February 22, 2017.

{¶ 10} It is, therefore,

{¶ 11} ORDERED, That interested parties file comments by February 22, 2017. It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/ Nicholas Walstra

By: Nicholas Walstra  
Attorney Examiner

sef/vrm