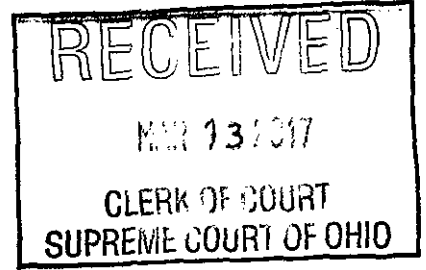


Before
THE SUPREME COURT OF OHIO



The Ohio Energy Group)
Industrial Energy Users-Ohio)
The Office of the Ohio Consumers' Counsel)
The Kroger Company)
The Ohio Manufacturers' Association)

Appellant,)

VS)

Supreme Court No. 17-0204

The Public Utilities Commission of Ohio)

Appellee.)

Being Before
THE PUBLIC UTILITIES COMMISSION OF OHIO

In the matter of the application of The)
Dayton Power and Light Company for)
approval of its 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 for 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-WVR

This is to certify that the images appearing are an accurate and complete reproduction of a case file document delivered in the regular course of business.
Technician SM Date Processed MAR 13 2017

INDEX AND DOCKET ENTRIES

ICN

<u>10/10/2008</u>	In the matter of the application of the Dayton Power and Light Company for approval of the Electric Security Plan, (Part 1 of 6)	1
<u>10/10/2008</u>	In the matter of the application of The Dayton Power and Light Company for approval of revised tariffs. (Part 1 of 6)	2
<u>10/10/2008</u>	In the matter of the application of The Dayton Power and Light Company for approval of certain accounting authority pursuant to Ohio Revised Code, 4905.13. (Part 1 of 6)	3
<u>10/10/2008</u>	In the matter of the application of The Dayton Power and Light Company for approval of its amended corporate separation plan. (Part 1 of 6)	4
<u>10/10/2008</u>	Application continued. (Part 2 of 6)	5
<u>10/10/2008</u>	Application continued. (Part 3 of 6)	6
<u>10/10/2008</u>	Application continued. (Part 4 of 6)	7
<u>10/10/2008</u>	Application continued. (Part 5 of 6)	8
<u>10/10/2008</u>	Application continued. (Part 6 of 6)	9
<u>10/16/2008</u>	Motion for intervention and memorandum in support filed by M. White on behalf of The Kroger Co.	10
<u>10/17/2008</u>	Letter regarding the proposed rate increase of Dayton Power & Light Company filed by H. Huffman.	Corres
<u>10/17/2008</u>	Correspondence regarding the rate increase of the Dayton Power & Light Company filed by B. and J. Kokenge, K. and D. Keister, D. and D. Ullery and B and G. Kokenge.	Corres

<u>10/22/2008</u>	Motion to intervene and memorandum in support filed by J. Clark on behalf of Industrial Energy Users-Ohio.	11
<u>10/22/2008</u>	Letter opposing the proposed rate increase of DP&L filed by D. Kimmel.	Corres
<u>10/23/2008</u>	Motion to intervene and memorandum in support of filed by H. Eckhart and R. Ukeiley on behalf of The Sierra Club.	12
<u>10/23/2008</u>	Motion for admission pro hac vice for Robert Ukeiley and memorandum in support of filed by H. Eckhart on behalf of The Sierra Club.	13
<u>10/27/2008</u>	Motion for leave to intervene and memorandum in support filed by D. Boehm on behalf of Ohio Energy Group.	14
<u>10/27/2008</u>	Motion to intervene and memorandum in support filed by J. Roberts on behalf of OCC.	15
<u>10/29/2008</u>	Motion to intervene, memorandum in support and motion to practice pro hac vice filed by C. Mooney on behalf of Ohio Partners for Affordable Energy.	16
<u>11/5/2008</u>	Correspondence opposing DP&L' s rate increase filed by C. Magnuson.	Corres
<u>11/6/2008</u>	Motion for leave to intervene of Constellation NewEnergy, Inc. and Constellation Energy Group, Inc. and memorandum in support filed by M. Petricoff.	17
<u>11/6/2008</u>	Motion for admission pro hac vice of Cynthia A. Fonner for Constellation Energy Group, Inc. filed by M. Petricoff.	18
<u>11/26/2008</u>	Entry ordering that the procedural schedule for this proceeding be adopted as set forth in finding (3), a technical conference will be held on December 15, 2008, at 10:00 a.m., at the offices of the Commission, 180 East Broad Street, 11th Floor, Hearing Room 11-e, Columbus, Ohio 43215 and the evidentiary hearing will be held on January 26, 2009, at 10:00 a.m., at the offices of the Commission, Hearing Room 11-c, 180 East Broad Street, Columbus, Ohio 43215. (GP)	19

<u>11/28/2008</u>	Correspondence expressing gratitude and appreciation to the Dayton Power and Light Company for continued support and dedication to the community filed on behalf of West Carrollton School District by R. Clifford.	Corres
<u>12/2/2008</u>	Motion to intervene of the Ohio Hospital Association and memorandum in support filed by R. Sites.	20
<u>12/5/2008</u>	Notice of filing of supplement to the initial case filing, filed by C. Faruki on behalf of The Dayton Power and Light Company.	21
<u>12/8/2008</u>	Letter praising DP&L for their enthusiastic participation in community projects throughout the Miami Valley area filed by R. & D. Garner.	Corres
<u>12/9/2008</u>	Motion to intervene and memorandum in support filed by C. Smith on behalf of Cargill, Inc.	22
<u>12/9/2008</u>	Letter commending DP&L for their professionalism and active participation in the Village of Coldwater filed by Mayor L. Stammen and Manager/Engineer, E. Thomas.	Corres
<u>12/9/2008</u>	Motion to intervene and memorandum in support filed by L. Gearhardt on behalf of the Ohio Farm Bureau Federation.	23
<u>12/10/2008</u>	Motion to intervene and memorandum in support of the City of Dayton electronically filed by Ms. Nell B Chambers on behalf of The City of Dayton	24
<u>12/10/2008</u>	Motion to intervene and memorandum in support of Ohio Manufacturers' Association filed by T. O'Brien.	25
<u>12/10/2008</u>	Motion of Honda of America Mfg., Inc., for leave to intervene and memorandum in support filed by M. Petricoff.	26
<u>12/11/2008</u>	Motion to intervene, memorandum in support, and request for leave to file motion to intervene out of time of Dominion Retail, Inc. filed by B Royer.	27

<u>12/11/2008</u>	Motion to intervene, memorandum in support and request for leave to file motion to intervene out of time of the Ohio Environmental Council filed by B. Royer.	28
<u>12/16/2008</u>	Motion to intervene and memorandum in support of the City of Dayton filed by C. Miller.	29
<u>12/19/2008</u>	Notice to take depositions upon oral examination and request for production of documents filed by J. Roberts on behalf of the Office of the Ohio Consumers' Counsel.	30
<u>12/23/2008</u>	Notice of the addition of counsel filed by J. Roberts on behalf of OCC.	31
<u>12/24/2008</u>	Correspondence letter expressing the participation of DP&L's support of the community and their customers, filed by W. Walker.	Corres
<u>12/29/2008</u>	Joint motion for a two week extension of time to the remainder of the procedural schedule and memorandum in support, filed by M. Petricoff of Honda of America Mfg. Inc. and filed by C. Smith of Cargill, Incorporated.	32
<u>12/31/2008</u>	The Dayton Power and Light Company's memorandum in opposition to the joint motion of Honda Mfg., Inc. and Cargill, Incorporated for a two-week extension of time for the remainder of the procedural schedule filed by C. Faruki. (FAX)	33
<u>1/2/2009</u>	Memorandum in opposition to joint motion for extension of time filed by C. Faruki on behalf of DP&L.	34
<u>1/5/2009</u>	Reply to memorandum in opposition of DP&L filed by M. Petricoff on behalf of Honda of America Mfg., Inc. and C. Smith on behalf of Cargill, Incorporated.	35
<u>1/5/2009</u>	Reply memorandum to Dayton Power & Light's opposition to Honda Mfg., Inc. and Cargill, Incorporated motion for extension of time filed by J. Roberts on behalf of OCC.	36

<u>1/6/2009</u>	Motion of The Dayton Power and Light Company for leave to file memorandum in rebuttal to replies of Honda and Cargill, and of OCC to DP&L memorandum in opposition to motion for two-week extension of time filed by C. Faruki. (FAX)	37
<u>1/7/2009</u>	Motion to intervene and request for leave to file motion to intervene out of time, and memorandum in support of The Edgemont Neighborhood Coalition filed by E. Jacobs. (FAX)	38
<u>1/7/2009</u>	Motion of The Dayton Power and Light Company for leave to file memorandum in rebuttal to replies of Honda and Cargill, and of OCC to DP&L memorandum in opposition to motion for two-week extension of time filed by C. Faruki. (original)	39
<u>1/8/2009</u>	Memorandum of the Dayton Power and Light Company in opposition to the motion to intervene and request for leave to file motion to intervene out of time of the Edgemont Neighborhood Coalition filed by J. Sharkey. (FAX)	40
<u>1/8/2009</u>	Motion to intervene, request for leave to file motion to intervene out of time and memorandum in support filed by E. Jacobs on behalf of The Edgemont Neighborhood Coalition. (Original)	41
<u>1/9/2009</u>	Entry denying DP&L's motion for leave to file a rebuttal in accordance with Finding (8); that the revised procedural schedule be adopted as set forth in Finding (10); that the evidentiary hearing in this proceeding commence on February 11, 2009, at 10:00 a.m., at the offices of the Commission, Hearing Room 11-C, 180 E. Broad St., Columbus, Ohio 43215. (GAP)	42
<u>1/9/2009</u>	Notice of addition of Evan Eschmeyer as counsel filed by N. Moser on behalf of The Ohio Environmental Council. (FAX)	43
<u>1/9/2009</u>	Memorandum of The Dayton Power and Light Company in opposition to motion to intervene and request for Leave to file motion to intervene out of time of The Edgemont Neighborhood Coalition filed by Sharkey. (Original)	44
<u>1/13/2009</u>	Reply of The Edgemont Neighborhood Coalition to Dayton Power and Light's opposition to Edgemont's motion to intervene filed by E. Jacobs. (FAX)	45

<u>1/14/2009</u>	Reply of the Edgemont Neighborhood Coalition to Dayton Power and Light's opposition to Edgemont's motion to intervene filed by E. Jacobs.	46
<u>1/15/2009</u>	Correspondence expressing opposition to PUCO decision in regard to electric and gas rate increase, filed by Mr. and Mrs. Hines.	Corres
<u>1/26/2009</u>	Direct testimony of Kevin C. Higgins on behalf of the Kroger Co..	47
<u>1/26/2009</u>	Direct testimony of J. Randall Woolridge, Ph.D filed on behalf of the Office of the Ohio Consumers' Counsel by J. Roberts.	48
<u>1/26/2009</u>	Direct testimony of Barry E. McClelland filed on behalf of Honda of America MFG, Inc. by S. Howard.	49
<u>1/26/2009</u>	Direct testimony of Shelley J. Dickstein on behalf of the City of Dayton, Ohio filed by C. Miller.	50
<u>1/26/2009</u>	Motion for protective order and memorandum in support filed by L. McAlister on behalf of Industrial Energy Users-Ohio	51
<u>1/26/2009</u>	Confidential testimony of R. Murray filed by L. McAlister on behalf of Industrial Energy Users-Ohio. (29 pgs)	Conf
<u>1/26/2009</u>	Motion for protective order and memorandum in support regarding the testimony and attachments of Daniel J. Duann filed on behalf of Ohio Consumers' Counsel by J. Lake Roberts.	52
<u>1/26/2009</u>	Confidential testimony of D. Duann filed on behalf of the Office of the Ohio Consumers' Counsel. (56pgs)	Conf
<u>1/26/2009</u>	Direct testimony of Daniel J. Duann filed on behalf of the Office of the Ohio Consumers' Counsel.	53
<u>1/26/2009</u>	Direct testimony of Kevin M. Murray on behalf of Industrial Energy Users-Ohio by L. McAlister.	54
<u>1/26/2009</u>	Direct testimony of Anthony J. Yankel filed on behalf of the Office of the Ohio Consumers' Counsel by J. Roberts.	55

<u>1/26/2009</u>	Direct testimony of Joseph G. Bowser filed by McNees Wallace & Nurick, LLC on behalf of Industrial Energy Users-Ohio.	56
<u>1/26/2009</u>	Testimony of Amr A. Ibrahim filed on behalf of the Office of the Ohio Consumers' Counsel.	57
<u>1/26/2009</u>	Motion for local hearings and memorandum in support filed on behalf of the Ohio Consumers' Counsel by J. L. Roberts.	58
<u>1/26/2009</u>	Direct testimony of Mark R. Frye of Palmer Energy filed on behalf of Honda Of America MFG, Inc. and Cargill, Incorporated.	59
<u>1/26/2009</u>	Direct testimony of Daniel J. Sawmiller filed on behalf of the Office of the Ohio Consumers' Counsel.	60
<u>1/26/2009</u>	Direct testimony of David I. Fein on behalf of Constellation NewEnergy, Inc. and Constellation Energy Commodities Group, Inc.	61
<u>1/26/2009</u>	Direct testimony of Steven Pullins filed on behalf of the Office of the Ohio Consumers' Counsel.	62
<u>1/26/2009</u>	Direct testimony of Wilson Gonzalez filed on behalf of the Office of the Ohio Consumers' Counsel.	63
<u>1/27/2009</u>	Direct testimony of Mark R. Frye re-filed with appendix A, filed on behalf of Honda of America, MFG, Inc. and Cargill Incorporated by S. Howard.	64
<u>1/28/2009</u>	Memorandum of the Dayton Power and Light Company in response to the motion for local public hearings by The Office of the Ohio Consumers' Counsel by R. Holtzman Hendrick. (FAX)	65
<u>1/29/2009</u>	Correspondence opposing the proposed DP&L rate plan filed by S. Miller, consumer.	Corres

<u>1/30/2009</u>	Memorandum in response to the motion for local public hearings by The Office of the Ohio Consumers' Counsel filed on behalf of Dayton Power & Light Company by R. Hedrick.	66
<u>2/2/2009</u>	Letter notifying the Commission that the direct testimony filed January 27, 2009, of Mark R. Frye inadvertently did not have the second page of Appendix A filed by S. Howard on behalf of Honda of America Mfg.	67
<u>2/2/2009</u>	Revised direct testimony of Barry E. McClelland filed by S. Howard on behalf of Honda of America Mfg, Inc.	68
<u>2/2/2009</u>	Reply to DP&L's memorandum in response motion for local Public Hearings by The Office of The Ohio Consumers' Counsel filed by G. Poulos.	69
<u>2/2/2009</u>	Entry ordered that a prehearing conference be held on February 6, 2009, at 10:00 A.M. at the offices of the Commission Hearing Room 11-C, 180 E. Broad St. Columbus, Ohio 43215. (KWB)	70
<u>2/3/2009</u>	Entry ordered that a prehearing conference be held on February 9, 2009, at 9:00 A.M. at the offices of the Commission, Hearing Room 11-C, 180 E. Broad St., Columbus, Ohio. (GAP)	71
<u>2/3/2009</u>	Direct Testimony of Joseph P. Buckley on behalf of Staff of Public Utilities Commission of Ohio.	72
<u>2/3/2009</u>	Direct Testimony of Lowell K. Miller on behalf of Staff of Public Utilities Commission of Ohio.	73
<u>2/3/2009</u>	Direct Testimony of Stuart M. Siegfried on behalf of Staff of Public Utilities Commission of Ohio.	74
<u>2/3/2009</u>	Direct Testimony of Victor P. Gallina on behalf of Staff of Public Utilities Commission of Ohio.	75
<u>2/3/2009</u>	Direct testimony of Gregory C. Scheck on behalf of Staff of Public Utilities Commission of Ohio.	76

<u>2/5/2009</u>	Entry ordered that the motions to intervene filed by various parties be granted according with finding (4) and that the motions to intervene filed after the deadline be granted in accordance with finding (5) and (6), motions for pro hac vice filed by various individuals be granted in accordance with finding (7). (GAP)	77
<u>2/6/2009</u>	Notice of deposition of Kevin M. Murray of The Dayton Power and Light filed by R. Holzman Hedrick.	78
<u>2/6/2009</u>	Notice of deposition of Daniel J. Sawmiller of The Dayton Power and Light filed by R. Holzman Hedrick.	79
<u>2/6/2009</u>	Notice of deposition of Joseph G. Bower of The Dayton Power and Light filed by R. Holzman Hedrick.	80
<u>2/6/2009</u>	Notice of deposition of Randall J. Woolridge of The Dayton Power and Light filed by R. Holzman Hedrick.	81
<u>2/6/2009</u>	Notice of deposition of David Fein of The Dayton Power and Light filed by R. Holzman Hedrick.	82
<u>2/6/2009</u>	Notice of deposition of Steven W Pullins of The Dayton Power and Light filed by R. Holzman Hedrick.	83
<u>2/6/2009</u>	Notice of deposition of Barry E. McClelland of The Dayton Power and Light filed by R. Holzman Hedrick.	84
<u>2/6/2009</u>	Notice of deposition of Anthony J. Yankel of The Dayton Power and Light filed by R. Holzman Hedrick.	85
<u>2/6/2009</u>	Notice of deposition of Daniel J. Duann of The Dayton Power and Light filed by R. Holzman Hedrick.	86

<u>2/6/2009</u>	Notice of deposition of Amr A. Ibrahim of The Dayton Power and Light Company filed by R. Holzman Hedrick.	87
<u>2/6/2009</u>	Notice of deposition of Wilson Gonzalez of The Dayton Power and Light Company filed by R. Holzman Hedrick.	88
<u>2/6/2009</u>	Notice of filing depositions filed by R. Holtzman Hedrick on behalf of The Dayton Power and Light Company.	89
<u>2/9/2009</u>	Entry ordering local public hearings be scheduled as set forth in Finding (4); that DP&L publish notice of the hearings as set forth in Finding (5). (KB)	90
<u>2/9/2009</u>	Motion to strike DP&L testimony and application, memorandum in support filed by J. Roberts on behalf of Ohio Consumers' Counsel.	91
<u>2/10/2009</u>	Exhibit A for the motion to strike which was omitted from the filing filed by J. Lake-Roberts on behalf of Ohio Consumers' Counsel.	Exh
<u>2/10/2009</u>	Deposition of Shelley J. Dickstein filed on behalf of the Dayton Power and Light Company filed by R. Hedrick.	92
<u>2/10/2009</u>	Deposition of Mark Fyre filed on behalf of the Dayton Power and Light Company filed by R. Hedrick.	93
<u>2/11/2009</u>	Errata sheet and signature page to Joseph G. Bowser's deposition filed by J. Clark on behalf of Dayton Power and Light Company.	94
<u>2/11/2009</u>	Deposition transcript of Kevin C. Higgins filed by R. Hedrick on behalf of Dayton Power and Light Company.	95
<u>2/11/2009</u>	Errata sheet and signature page for deposition of Barry E. McClelland filed by M. Howard Petricoff on behalf of The Dayton Power and Light Company.	96

<u>2/12/2009</u>	Errata sheet to Kevin M. Murray's deposition that was taken on February 4, 2009, filed by J. Clark on behalf of the Dayton Power and Light Company.	97
<u>2/13/2009</u>	Memorandum of the Dayton Power and Light Company in opposition to motion to strike DP&L testimony and application related to incremental costs as inconsistent with the stipulation and order in case No. 05-276-EL-AIR by OCC filed by R. Hedrick on behalf of The Dayton Power and Light Company. (FAX)	98
<u>2/17/2009</u>	Notice of removal of counsel by the Ohio Environmental Council filed by N. Moser. (FAX)	99
<u>2/17/2009</u>	Memorandum of the Dayton Power and Light company in opposition to motion to strike DP&L testimony and application related to incremental costs as inconsistent with the stipulation and order in case no. 05-276-EL-AIR by OCC filed by R. Holtzman Hedrick.	100
<u>2/23/2009</u>	Letter in opposition to the DP&L proposed rate increase filed by consumer H. Cook.	Corres
<u>2/23/2009</u>	Letter in opposition to the proposed DP&L rate increase filed by consumers, Elmer and Dolores Tidd.	Corres
<u>2/24/2009</u>	Letters in opposition to the proposed DP&L rate increase filed by various consumers.	Corres
<u>2/24/2009</u>	Testimony of Scott W. Niemann in support of the stipulation and recommendation on behalf of The Dayton Power and Light Company.	101
<u>2/24/2009</u>	Testimony of Dona R. Seger-Lawson in support of the stipulation and recommendation on behalf of the Dayton Power and Light Company.	102

<u>2/24/2009</u>	Stipulation and recommendation filed by C. Faruki on behalf of the Dayton Power and Light Company; L. Mcallister on behalf of Industrial Energy Users-Ohio; T. Lindgren on behalf of the Staff of the Public Utilities Commission of Ohio; J. Bentine on behalf of The Kroger Company; D. Rinebolt on behalf of Ohio Partners for Affordable Energy; J. Roberts on behalf of The Office of the Ohio Consumers' Counsel; B. Royer on behalf of The Ohio Environmental Council and Dominion Retail Inc. ;T. O'Brien on behalf of Ohio Manufacturers' Association; R. Sites on behalf of The Ohio Hospital Association; M. Petricoff on behalf of Honda of America Mfg., Inc., Constellation Newenergy Inc. and Constellation Energy Commodities Group, Inc.; C. Miller on behalf of The City of Dayton; R. Ukeiley on behalf of The Sierra Club; E. Jacobs on behalf of The Edgemont Neighborhood Coalition.	103
<u>2/24/2009</u>	Direct testimony of Mark R. Frye of Palmer Energy on behalf of Cargill, Incorporated in opposition to the filed stipulation.	104
<u>2/25/2009</u>	Letter in opposition to the DP&L proposed rate increase filed by consumer T. Vradelis.	Corres
<u>2/25/2009</u>	Letter in opposition to the proposed rate increase filed by consumer, J. Littlefield.	Corres
<u>2/26/2009</u>	Transcript of hearing held on February 17, 2008 before hearing examiner K. Bojko, electronically filed by Mrs. Jennifer Duffer on behalf of j.Hennebert and Armstrong & Okey, Inc.	Trans
<u>2/26/2009</u>	Transcript of hearing held February 11, 2009 before hearing examiners G. Price and K. Bojko, electronically filed by Mrs. Jennifer Duffer on behalf of J.Hennebert. and Armstrong & Okey, Inc.	Trans
<u>2/26/2009</u>	Letter opposing the DP&L proposed rate increase filed by consumers, Mr. & Mrs. J. Everett.	Corres
<u>2/26/2009</u>	Letter in favor of the proposed DP&L rate increase based on customer conservation and energy management filed by consumer J. Evans.	Corres

<u>3/4/2009</u>	Correspondence in opposition of the rate increase requested by Dayton Power and Light Company filed on behalf of concerned consumer, C. Scott.	Corres
<u>3/5/2009</u>	Correspondence in opposition of Dayton Power & Light's request to increase rates filed on behalf of concerned consumer, D. Worley.	Corres
<u>3/5/2009</u>	Transcript for Dayton Power & Light hearing held 2/19/09, electronically filed by Mrs. Jennifer Duffer on behalf of Armstrong & Okey, Inc. and Hennebert, Julieanna Mrs.	Trans
<u>3/10/2009</u>	Dayton Power and Light Company exhibits 2, 3, and 4 filed in connection with transcript electronically filed on 3/10/2009.	Exh
<u>3/10/2009</u>	Transcript of Dayton Power & Light hearing held 2/24/09 electronically filed by Mrs. Jennifer Duffer on behalf of Armstrong & Okey, Inc. and Hennebert, Julieanna Mrs.	Trans
<u>3/16/2009</u>	Transcript for local public hearing held February 26, 2009 at the Dayton Municipal Building before Commissioner C. Roberto and Attorney Examiner K. Bojko.	Trans
<u>3/19/2009</u>	Transcript for public hearing held February 26, 2009 at 101 West Third Street, Dayton, Ohio before Commissioner C. Roberto and Attorney Examiner K. Bojko.	Trans
<u>3/19/2009</u>	Transcript for public hearing March 4, 2009 at the Wilmington Municipal Building, City Hall Community Room before Commissioner V. Lemmie and Attorney Examiner G. Price.	Trans
<u>3/24/2009</u>	2009 Long-Term Electric Forecast Report filed on behalf of The Dayton Power and Light Company by R. Griffin.	105
<u>3/26/2009</u>	Brief filed on behalf of Cargill, Incorporated by C. Smith. (FAX)	106
<u>3/26/2009</u>	Post hearing brief submitted on behalf of the Staff of the Public Utilities Commission of Ohio filed by T. Lindgren.	107

<u>3/26/2009</u>	Initial post-hearing brief in support of the stipulation and recommendation filed on behalf of the Dayton Power and Light Company by J. Sharkey.	108
<u>3/26/2009</u>	Initial brief filed on behalf of Industrial Energy Users-Ohio by L. McAlister.	109
<u>3/27/2009</u>	Brief on behalf of Cargill, Incorporated filed by C. Smith.	110
<u>4/10/2009</u>	Reply brief on the Dayton Power and Light Company in support of the stipulation and recommendation filed by J. Starkey.	111
<u>4/10/2009</u>	Reply brief on behalf of Cargill Incorporated filed by C. Smith.	112
<u>4/13/2009</u>	Reply brief filed by C. Smith on behalf of Cargill, Incorporated.	113
<u>4/13/2009</u>	Reply brief of Constellation NewEnergy, Inc. filed by M. Howard Petricoff.	114
<u>4/13/2009</u>	Motion and memorandum in support for leave to file a reply brief one business day out of time filed by M. Howard Petricoff on behalf of Constellation NewEnergy, Inc.	115
<u>4/14/2009</u>	Letter clarifying previously filed motion for leave filed by M.H. Petricoff on behalf of Constellation NewEnergy, Inc..	116
<u>4/24/2009</u>	Letter in opposition to DP&L charging for storm damages filed by consumer, Melissa Philpot.	Corres
<u>6/24/2009</u>	Opinion and order stating that the stipulation presented be adopted; that the application of DP&L filed October 10, 2008, as supplemented on December 5, 2008, be approved.	117

<u>6/29/2009</u>	Revised tariff sheets for PUCO Electric Tariff No. 17 with an effective date of June 30, 2009 filed by D. Seger-Lawson on behalf of The Dayton Power and Light Company.	118
<u>7/29/2009</u>	Notice of withdrawal of counsel and designation of new counsel of record filed by G. Poulos on behalf of OCC.	119
<u>8/4/2009</u>	Notice of filing the Dayton Power and Light Company's revised business cases for AMI and Smart Grid - Book II, Customer conservation and energy management programs filed by J. Sobecki. (Part 1 of 3)	120
<u>8/4/2009</u>	Notice of filing continued. (Part 2 of 3)	121
<u>8/4/2009</u>	Notice of filing continued. (Part 3 of 3)	122
<u>8/13/2009</u>	Notice of filing revised schedule supporting revised business cases for AMI and Smart Grid filed by J. Sobecki on behalf of The Dayton Power and Light Company.	123
<u>9/4/2009</u>	Motion to establish a procedural schedule and hearing date by The Office of the Ohio Consumers' Counsel and memorandum in support filed by G. Poulos.	124
<u>9/10/2009</u>	Memorandum in opposition to the motion to establish a procedural schedule and hearing date by the Office of the Ohio Consumers' Counsel filed by J. Sobecki on behalf of The Dayton Power and Light Company.	125
<u>9/15/2009</u>	Second notice of filing revised schedules supporting revised business cases for AMI and Support Grid filed by J. Sobecki on behalf of Dayton Power and Light Company.	126

<u>9/15/2009</u>	Reply to Dayton Power and Light Company's memorandum in opposition to the motion to establish a procedural schedule and hearing date filed by G. Poulos on behalf of OCC.	127
<u>9/23/2009</u>	Entry ordering that a technical conference be held on October 22, 2009, at 10:00 a.m., at the offices of the Commission, 180 East Broad Street, 11th floor, Hearing Room 11-E, Columbus, Ohio 43215. (HP-G)	128
<u>11/4/2009</u>	Entry ordering that a procedural schedule for this proceeding be adopted as follows: comments should be filed by November 24, 2009 and reply comments should be filed by December 1, 2009. (HP-G)	129
<u>11/12/2009</u>	Motion and memorandum in support for a 3 day extension of time to file reply comments and for expedited consideration filed by J. Sobecki on behalf of The Dayton Power and Light Company.	130
<u>11/19/2009</u>	Entry ordering that the revised procedural schedule for this proceeding be adopted as set forth in finding (9). (GP)	131
<u>11/19/2009</u>	Motion of the Public Utilities Commission of Ohio Staff for an extension of time to file comments and reply comments and for expedited consideration filed by T. Lindgren.	132
<u>11/20/2009</u>	Revised tariff PUCO No.17, D2 and D38 filed on behalf of the Dayton Power and Light Company by D. Seger-Lawson.	133
<u>12/15/2009</u>	Initial comments filed by A. Porter on behalf of the City of Dayton.	134
<u>12/15/2009</u>	Comments filed on behalf of The Office of the Ohio Consumers; Counsel filed by M. Idzkowski.	135
<u>12/15/2009</u>	Comments of the Staff of the Public Utilities Commission of Ohio filed by T. Lindgren.	136

<u>12/15/2009</u>	Comments electronically filed by Mr. David C Rinebolt on behalf of Ohio Partners for Affordable Energy.	137
<u>12/15/2009</u>	Comments filed by M. White on behalf of the The Kroger Company.	138
<u>12/16/2009</u>	Comments of Ohio Partners for Affordable Energy on The Dayton Power and Light Company's revised business cases for AMI and Smart Grid filed by D. Rinebolt.	139
<u>12/17/2009</u>	Motion for extension of time to file reply comments and for expedited consideration and memorandum in support filed by J. Sobecki on behalf of The Dayton Power and Light Company. (FAX)	140
<u>12/18/2009</u>	Errata to comments of Ohio Partners for Affordable Energy on the Dayton Power and Light Company's revised business cases for AMI and Smart Grid filed by D. Rinebolt.	141
<u>12/18/2009</u>	Motion and memorandum in support for extension of time to file reply comments and for expedited consideration filed by J. Sobecki on behalf of The Dayton Power and Light Company.	142
<u>12/18/2009</u>	Notice of withdrawal of Robert Ukeiley as co-counsel for the Sierra Club filed by H. Eckhart.	143
<u>12/21/2009</u>	Entry ordering that the revised procedural schedule for this proceeding be adopted, setting January 8, 2010, as the new deadline for filing reply comments.	144
<u>12/21/2009</u>	The Dayton Power and Light Company's supplement to it's motion for extension of time to file reply comments and for expedited consideration filed by J. Sobecki. (FAX)	145
<u>12/22/2009</u>	The Dayton Power and Light Company's supplement to it's motion for extension of time to file reply comments and for expedited consideration filed by J. Sobecki.	146

<u>1/7/2010</u>	Reply comments of Ohio Partners for Affordable Energy on the Dayton Power and Light Company's revised business cases for AMI and Smart Grid filed by D. Rinebolt.	147
<u>1/8/2010</u>	Reply comments of The Dayton Power and Light Company filed by J. Sobecki. (FAX)	148
<u>1/8/2010</u>	Reply comments of Industrial Energy Users-Ohio filed by J. Clark.	149
<u>1/8/2010</u>	Reply comments of The Office of the Ohio Consumers' Counsel filed by G. Poulos.	150
<u>1/8/2010</u>	Reply comments of The Kroger Company filed by M. White.	151
<u>1/11/2010</u>	Reply comments filed by J. Sobecki on behalf of The Dayton Power and Light Company.	152
<u>10/6/2010</u>	Notice of withdrawal of counsel, L. McAlister, filed on behalf of McNees Wallace & Nurick LLC by J. Clark.	153
<u>10/19/2010</u>	Motion of the Dayton Power and Light Company to withdraw its revised advanced metering infrastructure and smart grid business cases and memorandum in support filed by J. Sobecki.	154
<u>11/16/2010</u>	Notice of withdrawal of counsel, Joseph M. Clark in these proceedings filed by McNees Wallace & Nurick LLC by J. Oliker.	155
<u>12/13/2010</u>	Notice of withdrawal of counsel, Gregory J. Poulos and designation of counsel of record, Richard C. Reese filed on behalf of OCC by R. Reese.	156

<u>1/5/2011</u>	Entry ordering that DP&L's motion to withdraw its revised AMI and Smart Grid business cases be granted, as set forth in Finding (6).	157
<u>1/26/2011</u>	Withdrawal of Matthew S. White from proceedings filed by J. Bentine on behalf of the Chester, Willcox and Saxbe Law Firm.	158
<u>3/7/2011</u>	Notice regarding change of address for counsel of Cargill, Inc., filed by C. Smith.	159
<u>3/7/2011</u>	Notice of withdrawal of counsel , Andre T. Porter from all proceedings identified in the enclosed list filed by C. Miller on behalf of Schottenstein Zox & Dunn Co.	160
<u>5/5/2011</u>	Notice of withdrawal of counsel and designation of counsel of record filed on behalf of Ohio Consumers' Counsel by M. Idzkowski.	161
<u>7/12/2011</u>	Notice of withdrawal of counsel, Michael E. Idzkowski and designation of counsel of record, Terry Etter by the Ohio Consumers' Counsel by T. Etter.	162
<u>3/12/2012</u>	Return mail	163
<u>4/6/2012</u>	Notice of withdrawal of counsel and substitution of counsel, Mark Yurick from the law firm of Taft Stettinius & Hollister LLP, formerly Chester, Wilcox & Saxbe, LLP filed by M. Yurick.	164
<u>9/26/2012</u>	Joint motion seeking enforcement of approved settlement agreements and orders issued by the Public Utilities Commission of Ohio and memorandum in support filed by S.C. Randazzo on behalf of Industrial Energy Users-Ohio, C.L. Mooney on behalf of Ohio Partners for Affordable Energy, J.T. Siwo on behalf of The OMA Energy Group, M.S. Yurick on behalf of The Kroger Co, S.M. Sherman on behalf of Wal-Mart Stores East LP and Sam's East, Inc. K.W. Bojko on behalf of SolarVision, LLC, D.F.Boehm on behalf of Ohio Energy Group, M.A. Long on behalf of Honda of America Manufacturing, Inc. J.P.Serio on behalf of The Office of the Ohio Consumers Counsel.	165
<u>10/11/2012</u>	Memorandum of the Dayton Power and Light Company in opposition to Joint motion seeking enforcement of approved settlement agreements and orders issued by the Public Utilities Commission of Ohio filed by Judi L. Sobecki on behalf of The Dayton Power and Light Company.	166
<u>10/11/2012</u>	Motion for Protective order and Memorandum in Support filed by Judi L.Sobecki on behalf of The Dayton Power and Light Company.	167

<u>10/18/2012</u>	Reply to memorandum of the DP&L Company filed by F. Darr on behalf of Industrial Energy Users-Ohio, T. Siwo, OMA, Energy Group, S. Sherman, Wal-Mart Stores East and Sam's East, Inc, C. Moody, Ohio Partners for Affordable Energy, D. Boehm, Ohio Energy Group, M. Yurick, The Kroger Company, M. Long, Honda of America Manufacturing, Inc., K. Bojko, Solar Vision, J. Serio, Office of the Ohio Consumers' Counsel.	168
<u>12/19/2012</u>	Entry ordering that Interveners' motion seeking enforcement of approved settlement agreements is denied and DP&L's motion to continue its rates, including the rate stabilization charge, is granted in accordance with finding (5).	169
<u>1/18/2013</u>	Application for Rehearing by the Office of the Ohio Consumers' Counsel, Industrial Energy Users-Ohio, Ohio Partners for Affordable Energy, OMA Energy Group, Solarvision, The Kroger Company, Wal-Mart Stores East, LP and Sam's East, Inc. electronically filed by Patti Mallarnee on behalf of Yost, Melissa Ms.	170
<u>1/28/2013</u>	Confidential treatment of documents: Memorandum in Opposition filed by Judi L. Sobbecki on behalf of The Dayton Power and Light Company. (32 pages)	Conf
<u>1/28/2013</u>	The Dayton Power and Light Company's Memorandum in Opposition to Application for Rehearing electronically filed by Mr. Jeffrey S Sharkey on behalf of The Dayton Power and Light Company.	171
<u>2/19/2013</u>	Entry on Rehearing stating that the application for rehearing is denied in accordance with the findings set forth. It is, further, ordered, that the RSC continue as a term of the ESP until an SSO is authorized by the Commission.	172
<u>10/15/2013</u>	Notice of substitution of Counsel electronically filed by Mrs. Kimberly W. Bojko on behalf of Ohio Manufacturers' Association.	173
<u>10/15/2013</u>	Notice of withdrawal electronically filed by Teresa Orahood on behalf of J. Thomas Siwo, Bricker & Eckler LLP.	174
<u>1/28/2014</u>	Notice of withdrawal of counsel of Nolan Moser and substitution of counsel of record of Trent A. Dougherty filed by N. Moser on behalf of The Ohio Environmental Council	175
<u>3/28/2014</u>	Notice of withdrawal of Joseph E. Olikier filed by F. Darr on behalf of McNeas, Wallace & Nurick LLC.	176

<u>9/3/2014</u>	Notice of Substitution of Counsel of Joel Sechler for Mallory Mohler electronically filed by Ms. Cheryl A. Smith on behalf of The Ohio Manufacturers' Association.	177
<u>7/27/2016</u>	Motion and memorandum in support of The Dayton Power and Light Company to Implement Previously Authorized Rates electronically filed by Mr. Charles J. Faruki on behalf of The Dayton Power and Light Company.	178
<u>8/1/2016</u>	Notice of Filing Proposed Tariffs electronically filed by Eric R Brown on behalf of The Dayton Power and Light Company.	179
<u>8/3/2016</u>	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.	180
<u>8/8/2016</u>	Notice of Withdrawal of Counsel and Designation of Counsel of Record by The Office of the Ohio Consumers' Counsel electronically filed by Ms. Jamie Williams on behalf of Willis, Maureen Mrs.	181
<u>8/11/2016</u>	Motion for Leave to Intervene electronically filed by Mr. Michael J. Settineri on behalf of Retail Energy Supply Association.	182
<u>8/11/2016</u>	Memorandum Contra to DP&L's Motion to Withdraw its Application and Motions to Implement Previously Authorized Rates electronically filed by Mrs. Gretchen L. Petrucci on behalf of Retail Energy Supply Association.	183
<u>8/11/2016</u>	Memorandum Ohio Energy Group (OEG's) Memorandum Contra Motion to Withdraw its Application and Motions to Implement Previously Authorized Rates electronically filed by Mr. Michael L. Kurtz on behalf of Ohio Energy Group.	184
<u>8/11/2016</u>	Notice of appearance of counsel on behalf of The Kroger Co. electronically filed by Ms. Cheryl A. Smith on behalf of The Kroger Co.	185
<u>8/11/2016</u>	Notice Of Additional Counsel electronically filed by Debra A Gaunder on behalf of The Ohio Manufacturers' Association	186
<u>8/11/2016</u>	Memorandum in opposition to the motions of DP&L to withdraw its ESP application and implement previously authorized rates filed by R. Darr on behalf of Industrial Energy Users-Ohio.	187

<u>8/11/2016</u>	Memorandum contra DP&L's motions to withdraw its application and implement previously authorized rates (to increase charges to consumers) filed by M. Willis on behalf of OCC.	188
<u>8/11/2016</u>	Memorandum contra filed by Ryan O'Rourke on behalf of The Kroger Company.	189
<u>8/11/2016</u>	Memorandum contra filed by Danielle Walter on behalf of OMA.	190
<u>8/12/2016</u>	The Ohio Manufacturers' Association Comments On The Dayton Power And Light Company's Proposed Tariff electronically filed by Debra A Gaunder on behalf of The Ohio Manufacturers' Association.	191
<u>8/12/2016</u>	Comments The Kroger Company's comments on the Dayton Power and Light Company's proposed tariffs electronically filed by Ms. Cheryl A. Smith on behalf of The Kroger Co.	192
<u>8/12/2016</u>	Comments Regarding The Dayton Power and Light Company's Notice of Filing Proposed Tariffs electronically filed by Mrs. Gretchen L. Petrucci on behalf of Retail Energy Supply Association.	193
<u>8/12/2016</u>	Comments electronically filed by Helen Sweeney on behalf of Interstate Gas Supply, Inc..	194
<u>8/12/2016</u>	Industrial Energy Users-Ohio's Comments Concerning The Dayton Power and Light Company's Proposed Tariff Sheets electronically filed by Mr. Matthew R. Pritchard on behalf of Industrial Energy Users-Ohio.	195
<u>8/12/2016</u>	Comments Comments on DP&L's Proposed Tariffs to Increase Consumer Rates by The Office of the Ohio Consumers' Counsel electronically filed by Ms. Jamie Williams on behalf of Willis, Maureen Mrs.	196
<u>8/12/2016</u>	Comments of Honda of America Mfg., Inc. and the City of Dayton Regarding Dayton Power & Light Company's Proposed Tariffs electronically filed by Mr. Nathaniel Trevor Alexander on behalf of Honda of America Mfg., Inc. and City of Dayton.	197
<u>8/12/2016</u>	Notice of Appearance electronically filed by Mr. Mark T Keaney on behalf of Honda of America Mfg., Inc.	198
<u>8/12/2016</u>	Notice of Appearance electronically filed by Mr. Mark T Keaney on behalf of City of Dayton	199

<u>8/12/2016</u>	Comments electronically filed by Colleen L. Mooney on behalf of Ohio Partners for Affordable Energy and Edgemont Neighborhood Coalition.	200
<u>8/18/2016</u>	Reply of The Dayton Power and Light Company in Support of Motion to Withdraw ESP II Application and Motion to Implement Previously Authorized Rates electronically filed by Mr. Charles J. Faruki on behalf of The Dayton Power and Light Company.	201
<u>8/26/2016</u>	Finding and Order that DP&L's motion to implement previously authorized rates be granted: within seven days, DP&L file in final form complete copies of its tariff, consistent with this Finding and Order.	202
<u>9/1/2016</u>	Final tariff sheets for PUCO Electric Tariff No. 17, effective September 1, 2016 electronically filed by Mr. Jason M Willis on behalf of The Dayton Power and Light Company.	203
<u>9/6/2016</u>	Returned Mail.	204
<u>9/23/2016</u>	Application for Rehearing and Memorandum in Support electronically filed by Colleen L Mooney on behalf of Ohio Partners for Affordable Energy and Edgemont Neighborhood Coalition.	205
<u>9/26/2016</u>	Application for Rehearing by The Office of the Ohio Consumers' Counsel electronically filed by Ms. Jamie Williams on behalf of Willis, Maureen Mrs.	206
<u>9/26/2016</u>	Joint Application For Rehearing Of The Ohio Manufacturers' Association And The Kroger Company electronically filed by Debra A Gauder on behalf of The Ohio Manufacturers' Association.	207
<u>9/26/2016</u>	Application for Rehearing of Ohio Energy Group (OEGs) and Memorandum in Support electronically filed by Mr. Michael L. Kurtz on behalf of Ohio Energy Group.	208
<u>9/26/2016</u>	Application for Rehearing of Industrial Energy Users-Ohio electronically filed by Mr. Matthew R. Pritchard on behalf of Industrial Energy Users-Ohio.	209
<u>10/3/2016</u>	Opposition of The Dayton Power and Light Company to Applications for Rehearing of Ohio Partners for Affordable Energy and the Edgemont Neighborhood Coalition electronically filed by Mr. Charles J. Faruki on behalf of The Dayton Power and Light Company	210
<u>10/5/2016</u>	Notice Substitution of Counsel electronically filed by Debra A Gauder on behalf of Kroger.	211

<u>10/6/2016</u>	Memorandum in Opposition of The Dayton Power and Light Company to Applications for Rehearing of Industrial Energy Users-Ohio, The Office of the Ohio Consumers' Counsel, the Ohio Energy Group, the Ohio Manufacturers' Association Energy Group, and the Kroger Company electronically filed by Mr. Charles J. Faruki on behalf of The Dayton Power and Light Company.	212
<u>10/12/2016</u>	Entry on rehearing stating that the applications for rehearing be granted for further consideration of the matters specified within the application.	213
<u>10/20/2016</u>	Returned Mail (Entry 10/12/2016 - Not deliverable as addressed, unable to forward, The Ohio Environmental Council)	214
<u>10/25/2016</u>	Return mail not deliverable as addressed, unable to forward sent to Jacob Ellis.	215
<u>11/14/2016</u>	Application for Rehearing by The Office of the Ohio Consumers' Counsel electronically filed by Ms. Jamie Williams on behalf of Willis, Maureen Mrs.	216
<u>11/22/2016</u>	Returned Mail (No longer in the company, no mail receptacle, unable to forward)	217
<u>11/25/2016</u>	Memorandum in Opposition of The Dayton Power and Light Company to the November 14, 2016 Application for Rehearing by The Office of the Ohio Consumers' Counsel electronically filed by Mr. Charles J. Faruki on behalf of The Dayton Power and Light Company.	218
<u>12/14/2016</u>	Third Entry on Rehearing stating that the applications for rehearing be denied.	219
<u>1/5/2017</u>	Return mail attempted to not known unable to forward. (Community United for Action)	220
<u>1/5/2017</u>	Return mail not deliverable as addressed. (The Ohio Environmental Council)	221
<u>1/11/2017</u>	Notice of Withdrawal of Counsel electronically filed by Mr. Michael J. Settineri on behalf of Retail Energy Supply Association.	222
<u>2/1/2017</u>	Amended Notice of The Dayton Power and Light Company Regarding Competitive Bidding Schedule electronically filed by Mr. Jeffrey S Sharkey on behalf of The Dayton Power and Light Company	223

<u>2/1/2017</u>	Notice of The Dayton Power and Light Company Regarding Competitive Bidding Schedule electronically filed by Mr. Jeffrey S Sharkey on behalf of The Dayton Power and Light Company.	224
<u>2/7/2017</u>	Entry ordering interested parties file comments by February 22, 2017.	225
<u>2/10/2017</u>	Notice of Appeal of The Ohio Energy Group filed by Michael Kurtz. (Supreme Court Case # 17-0204)	226
<u>2/13/2017</u>	Notice of Appeal of the Industrial Energy Users - Ohio filed by M. Pritchard. (Supreme Court Case # 17-0204)	227
<u>2/13/2017</u>	Notice of Appeal by The Office of The Ohio Consumer's Counsel filed by M. Willis. (Supreme Court Case # 17-0204)	228
<u>2/13/2017</u>	Joint Notice of Appeal of Appellants The Kroger Company and The Ohio Manufacturers' Association filed by A. Whitfield and J. Sechler.	229
<u>2/13/2017</u>	Amended Notice of Appeal by The Office of the Ohio Consumers' Counsel filed by M. Willis. (Supreme Court Case # 17-0204)	230

**Before
THE SUPREME COURT OF OHIO**

The Ohio Energy Group)	
Industrial Energy Users-Ohio)	
The Office of the Ohio Consumers' Counsel)	
The Kroger Company)	
The Ohio Manufacturers' Association)	
)	
Appellant,)	
)	
VS)	Supreme Court No. 17-0204
)	
The Public Utilities Commission of Ohio)	
)	
)	
)	
Appellee.)	


**Being Before
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the matter of the application of The)	
Dayton Power and Light Company for)	Case No. 08-1094-EL-SSO
approval of its Electric Security Plan.)	
)	
In the matter of the application of The)	
Dayton Power and Light Company for approval)	Case No. 08-1095-EL-ATA
Of revised tariffs.)	
)	
In the matter of the application of The)	Case No. 08-1096-EL-AAM
Dayton Power and Light Company for)	
Approval for certain accounting authority.)	
)	
In the matter of the application of The)	
Dayton Power and Light Company for)	Case No. 08-1097-EL-WVR
Waiver of certain Commission rules.)	
)	
)	

C E R T I F I C A T I O N

I, Barcy F. McNeal, the duly appointed and qualified Secretary of The Public Utilities Commission of Ohio, in whose custody the books, records, and files of said Commission are kept, do hereby certify there is transmitted herewith the docket entries of the Commission, ICN No. 1-230, the **Finding and Order dated August 26, 2016**, the **Entry on Rehearing dated October 12, 2016**, and the **Third Entry on Rehearing dated December 14, 2016**, inclusive; and the Certification of the record in **Case No.'s 08-1094-EL-SSO, 08-1095-EL-ATA, 08-1096-EL-AAM, and 08-1097-EL-WVR**.

IN WITNESS THEREOF, I have thereunto set my hand
and affixed the official seal of The Public Utilities Commission
of Ohio this 13th day of MARCH, 2017.



Barcy F. McNeal, Secretary
Tanowa Troupe, Acting Secretary
Felecia D. Burdett, Acting Secretary

THE PUBLIC UTILITIES COMMISSION OF OHIO