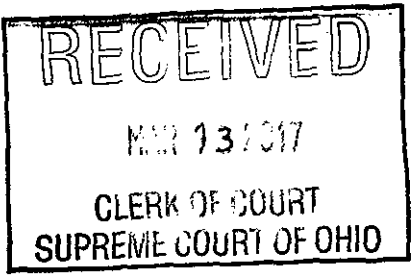


Before  
THE SUPREME COURT OF OHIO



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

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<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, Wilcox 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. Sobecki 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 McNees, 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 Gaunder 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 Gaunder 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	)	<b>Supreme Court No. 17-0204</b>
	)	
	)	
The Public Utilities Commission of Ohio	)	
	)	
	)	
	)	
	)	
Appellee.	)	

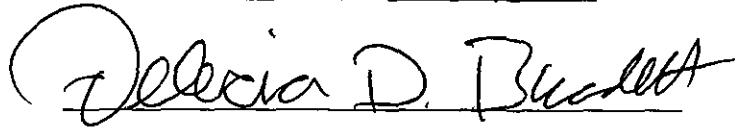
**Being Before  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the matter of the application of The	)	
Dayton Power and Light Company for	)	<b>Case No. 08-1094-EL-SSO</b>
approval of its Electric Security Plan.	)	
	)	
In the matter of the application of The	)	
Dayton Power and Light Company for approval	)	<b>Case No. 08-1095-EL-ATA</b>
Of revised tariffs.	)	
	)	
In the matter of the application of The	)	<b>Case No. 08-1096-EL-AAM</b>
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	)	<b>Case No. 08-1097-EL-WVR</b>
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 13<sup>th</sup> day of MARCH, 2017.

A handwritten signature in black ink, reading "Felecia D. Burdett", written over a horizontal line.

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

THE PUBLIC UTILITIES COMMISSION OF OHIO