

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

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

**MOTION FOR LEAVE TO FILE JOINT INITIAL POST-HEARING BRIEF OF
ENVIRONMENTAL DEFENSE FUND AND OHIO ENVIRONMENTAL COUNCIL
OUT OF TIME IN CASE NOS. 16-0396-EL-ATA & 16-0397-EL-AAM AND
MEMORANDUM IN SUPPORT**

Environmental Defense Fund and the Ohio Environmental Council

respectfully request that the Public Utilities Commission of Ohio accept the *Joint Initial Post-Hearing Brief by the Environmental Defense Fund and Ohio Environmental Council* in Case Nos. 16-0396-EL-ATA and 16-397-EL-AAM one day late for the reasons discussed in the attached Memorandum in Support.

Respectfully submitted,

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Approval of Certain Accounting)	
Authority Pursuant to Ohio Rev. Code)	
§ 4905.13)	

**MEMORANDUM IN SUPPORT OF MOTION FOR LEAVE TO FILE JOINT INITIAL
POST-HEARING BRIEF OF ENVIRONMENTAL DEFENSE FUND AND OHIO
ENVIRONMENTAL COUNCIL OUT OF TIME IN CASE NOS. 16-0396-EL-ATA &
16-0397-EL-AAM AND MEMORANDUM IN SUPPORT**

The Attorney Examiner set a deadline in the above-captioned case of May 5, 2017, for parties to file initial post-hearing briefs. Intervenors Environmental Defense Fund (“EDF”) and the Ohio Environmental Council (“OEC”) electronically filed their *Joint Initial Post-Hearing Brief by the Environmental Defense Fund and Ohio Environmental Council* in Case No. 16-0395-EL-SSO at 4:24pm on May 5, 2017. However, the parties inadvertently failed to file the *Joint Initial Post-Hearing Brief* in Case Nos. 16-0396-EL-ATA and 16-0397-EL-AAM. This came to the attention of counsel and the *Joint Initial Post-Hearing Brief* was immediately refiled in all three above-captioned cases at 5:44pm, fourteen minutes out of time.

Good cause exists for the Commission to consider the *Joint Initial Post-Hearing Brief* as timely filed. The failure to file in Case Nos. 16-0396-EL-ATA and 16-0397-EL-AAM was inadvertent error and did not prejudice any parties, as it was timely filed in Case No. 16-0395-EL-SSO and served on all parties via email on May 5th at 4:25pm. The Commission has on several prior occasions accepted filings inadvertently made a single day late¹, and EDF and OEC respectfully request that it grant the same request here.

Respectfully submitted,

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¹ See, e.g., Case No. 14-457-EL-RDR, Finding and Order at 4 (May 20, 2015) (where Duke's request to file comments out of time was found to be reasonable and granted).

CERTIFICATE OF SERVICE

It is hereby certified that a true copy of the foregoing document was served upon the persons listed below via electronic transmission this 5th day of May, 2017.

/s/Miranda Leppla
Miranda R. Leppla

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This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

5/5/2017 7:13:11 PM

in

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

Summary: Motion to File Joint Initial Post-Hearing Brief by the Environmental Defense Fund and Ohio Environmental Council Out of Time in Case Nos. 16-0396-EL-ATA & 16-0397-EL-AAM and Memorandum in Support electronically filed by Ms. Miranda R Leppla on behalf of Environmental Defense Fund and Ohio Environmental Council