

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

IN THE MATTER OF THE APPLICATION )	
OF THE DAYTON POWER AND LIGHT )	CASE NO. 16-0395-EL-SSO
COMPANY FOR APPROVAL OF ITS )	
ELECTRIC SECURITY PLAN )	
)	
IN THE MATTER OF THE APPLICATION )	
OF THE DAYTON POWER AND LIGHT )	CASE NO. 16-0396-EL-ATA
COMPANY FOR APPROVAL OF )	
REVISED TARIFFS )	
)	
IN THE MATTER OF THE APPLICATION )	
OF THE DAYTON POWER AND LIGHT )	CASE NO. 16-0397-EL-AAM
COMPANY FOR APPROVAL OF CERTAIN )	
ACCOUNTING AUTHORITY PURSUANT )	
TO R.C. 4905.13 )	

**APPLICATION FOR REHEARING OF THE OPINION AND  
ORDER ENTERED OCTOBER 20, 2017 BY  
INTERVENORS MURRAY ENERGY CORPORATION  
AND THE CITIZENS TO PROTECT DP&L JOBS**

Pursuant to R.C. 4903.10 and OAC Rule 4901-1-35, Intervenors Murray Energy Corporation (“Murray Energy”) and The Citizens to Protect DP&L Jobs (the “Citizens Group”) hereby submit this Application For Rehearing of the Opinion and Order in the above-styled cases entered on October 20, 2017.

Intervenors submit that the Commission’s October 20, 2017 Opinion and Order is unreasonable or unlawful on the following grounds:

1. The Commission unreasonably and unlawfully failed to exercise its jurisdiction to require that the Stuart and Killen stations be included in the proposed sale process addressed in the Amended Stipulation and Recommendation as approved by the Commission.

2. Specifically, the Commission unreasonably and unlawfully failed to exercise its jurisdiction under R.C. 4928.17(E) and OAC Rule 4901:1-37 to approve the proposed transfer of the Stuart and Killen stations to an unregulated subsidiary without conditioning the transfer upon exhaustion of the proposed sale process as provided in the Amended Stipulation.

3. The October 20, 2017 Opinion and Order is inconsistent with the Commission's September 7, 2017 Finding and Order in Case No. 13-2420-EL-UNC and is unreasonable and unlawful for this reason as well.

4. The Commission unreasonably and unlawfully approved and adopted the Amended Stipulation and Recommendation since exclusion of the Stuart and Killen stations from the sale process:

- (a) does not benefit ratepayers;
- (b) is not in the public interest and
- (c) violates important regulatory principles or practices.

See Industrial Energy Consumers of Ohio Power v. Pub. Util. Comm., 68 Ohio St. 3d 559, 629 N.E. 2d 423 (1994).

5. The Commission's conclusion in the October 20, 2017 Opinion and Order that the exclusion of the Stuart and Killen stations from the Amended Stipulation and Recommendation benefits ratepayers, is in the public interest and does not violate important regulatory principles and practices is contrary to the manifest weight of the evidence and is unreasonable and unlawful on this basis.

This Application For Rehearing is further supported by the accompanying Memorandum  
In Support which is incorporated by reference herein.

Respectfully submitted,

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the Citizens to Protect DP&L Jobs*

**CERTIFICATE OF SERVICE**

The Public Utilities Commission of Ohio e-filing system will electronically serve notice of the filing of this document on the parties referenced in the service list of the docket card who have electronically subscribed to this case. In addition, the undersigned certifies that a courtesy copy of the foregoing document is also being served upon the persons listed in Exhibit A via electronic mail this 20th day of November, 2017.

/s/ John F. Stock

John F. Stock

EXHIBIT A

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electronically filed by John F Stock on behalf of Murray Energy Corporation and Citizens to  
Protect DP&L Jobs