

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of The Dayton Power and Light Company for an Increase in its Electric Distribution Rates	)	Case No. 15-1830-EL-AIR
	)	
In the Matter of the Application of The Dayton Power and Light Company for Accounting Authority	)	Case No. 15-1831-EL-AAM
	)	
In the Matter of the Application of Dayton Power and Light Company for Approval of Revised Tariffs	)	Case No. 15-1832-EL-UNC
	)	

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**OBJECTIONS TO STAFF REPORT OF INVESTIGATION AND SUMMARY OF  
MAJOR ISSUES OF INTERSTATE GAS SUPPLY, INC.**

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**April 11, 2018**

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**I. INTRODUCTION**

On October 30, 2015, the Dayton Power and Light Company ("DP&L") filed an application to increase in distribution rates, for tariff approval, and to change its accounting methods ("Application"). The Staff Report of Investigation ("Staff Report") was filed with the Public Utilities Commission of Ohio ("Commission") on March 12, 2018, setting forth the Commission Staff's ("Staff") findings regarding the Application.

Pursuant to R.C. 4909.19, Rule 4901-1-28, Ohio Administrative Code ("O.A.C"), and the Attorney Examiner's Entry dated March 14, 2018, Interstate Gas Supply, Inc. ("IGS") hereby files its Objections to the Staff Report and Summary of Major Issues in the above-captioned matters. IGS reserves the right to contest through cross-examination,

testimony, or exhibits any newly raised issues, issues raised by any other party, or any position set forth in the Staff Report that changes prior to the close of the record.

## **II. OBJECTIONS TO THE STAFF REPORT**

IGS objects to the following specific recommendations in the Staff Report:

### **RATES AND TARIFFS AND COST OF SERVICE STUDY**

#### **A. The Staff Report fails to recommend that DP&L unbundle from distribution rates all costs related to the provision of the standard service offer. The Staff Report further incorrectly proposes an avoided cost analysis to unbundle distribution rates.**

IGS objects to the Staff Report's failure to identify and recommend that DP&L allocate to the default service/standard service offer ("SSO") all costs contained in distribution rates that may be necessary to provide that service.<sup>1</sup> IGS further objects to the Staff Report's recommendation to unbundle distribution rates using a short-term avoided cost analysis.

The Staff Report acknowledges that, in accordance with the Stipulation and Recommendation approved in Case Nos. 16-395-EL-SSO, *et al.*, "[i]n DP&L's filed distribution rate case (Case No. 15-1830-EL-AIR), there will be an evaluation of costs contained in distribution rates that may be necessary to provide standard service offer service."<sup>2</sup> But the Staff Report then states that the DP&L was unable to identify these costs as such a task would be cost prohibitive:

The Company at this time is unable to quantify different costs between shopping and non-shopping customers and expressed that it would be prohibitively expensive to track costs for the functions of administering the

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<sup>1</sup> Staff Report at 24.

<sup>2</sup> Staff Report at 28.

competitive retail market or providing a standard service offer. In fact, the Company stated in its response to a Staff data request that all of the costs that DP&L incurs to provide particular services to or on behalf of shopping and non-shopping customers are appropriately assigned to the distribution function of DP&L because a distribution utility is required by law to offer a standard service offer and has obligations with regard to administering aspects of the competitive market.<sup>3</sup>

DP&L's difficulties aside, the Staff Report independently identifies one category of costs to allocate to default service, stating: "Nevertheless, Staff has identified one potential area, the cost associated with Regulatory Expense (FERC 928), which contains the PUCO/OCC assessment expense. Staff recommends that the SSO generation revenue percentage of the PUCO/OCC assessment expense be recovered through an appropriate bypassable rider."<sup>4</sup>

While IGS appreciates the Staff Report's identification of *some costs* associated with default service proposed for recovery in distribution rates, IGS objects to the Staff Report's process for evaluation as well as the amount of costs identified. Whether DP&L has difficulty identifying costs in distribution rates necessary to support default service is irrelevant. The purpose of a Staff Report is to perform an independent evaluation of the utility's proposal to increase its rates—it is not intended to rely on the exclusive analysis of the utility. If that were the case, there would simply be no statutory obligation or benefit of a staff report. Accordingly, the Staff Report should have independently evaluated each category of costs and derived a methodology to identify and allocate costs associated with default service to that service. As the Staff Report acknowledges, the relationship between default service revenue and total utility revenue may provide a basis for that cost

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<sup>3</sup> *Id.* at 28.

<sup>4</sup> *Id.*

allocation. The quantity of customers taking default service relative to total customers may also provide a methodology to allocate these costs.

IGS objects to the Staff Report's acceptance of DP&L's cost of service study. The Staff Report failed to properly functionalize, classify, or allocate costs associated with the provision of the SSO.

The specific details supporting these objections are discussed in detail below.

Many of the costs necessary to support the default service are proposed for recovery in DP&L's allowance for operation expense (operation and maintenance expense or "O&M"). These costs are identified and supported in the C-Schedules attached to the Application. The Staff Report provides an analysis of the costs contained on these schedules. As mentioned above, the Staff Report identifies only one small category of costs that relate to the provision of default service. The operation and maintenance expense categories that the Staff Report failed to analyze and allocate to the default service include:

- (1) Call center infrastructure and employees to maintain appropriate customer service for SSO customers;
- (2) Outside and inside legal, regulatory, and compliance personnel to comply with the regulatory rule requirements for the SSO;<sup>5</sup>

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<sup>5</sup> The Staff Report recommends that DP&L not be permitted to collect costs associated with litigating its electric security plan case. Staff Report at 15. The Staff Report concludes that these expenses are "inappropriate for ratemaking purposes." *Id.* Staff also proposed a 5-year amortization of rate case expense instead of 2-years as proposed by DP&L. The impact of Staff's recommendation resulted in a reduction on C-3.16 from \$4,917,606 to \$417,765. The Staff Report incorrectly recommended that DP&L not collect these expenses; thus, IGS objects to this proposed reduction to allowable O&M expense. Rather, the Staff Report should have proposed an allocation methodology to allocate these expenses between distribution

- (3) IT employees, infrastructure, and software;
- (4) Office space for employees;
- (5) Administrative and human resources staff to support the employees;
- (6) Office supplies;
- (7) Accounting and auditing services;
- (8) Printing and postage to communicate with customers;
- (9) All uncollectible expense, to the extent that a purchase of receivable program contains a discount rate;<sup>6</sup>
- (10) Cash Working Capital.<sup>7</sup>

These categories of cost are mainly identified in the following FERC Accounts (903-905; 908-910; 912; 920-935; 408).

Moreover, the Staff Report further failed to analyze and allocate to the default service costs embedded in rate base that are necessary to support default service. These

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and default service. Failure to appropriately allocate these costs to default service customers would require DP&L to use its distribution service revenues to subsidize litigation expenses associated with providing a competitive service (default service).

<sup>6</sup> The Staff Report indicates that uncollectible expenses shall be recovered through a rider. But the adjustments recommended in the Staff Report do not in fact recommend that overhead associated with collections, software, etc., be recovered through the bypassable portion of the uncollectible rider. Indeed, the Staff Report recommended that \$3,543,913 be adjusted in uncollectible expense. But DP&L's actual uncollectible expense cost was \$4,923,342. DP&L Response to IGS INT-3-4.

<sup>7</sup> Although the Staff Report recommends that DP&L collect a Cash Working Capital expense related to its distribution rates, there is no recommendation that DP&L collect cash working capital cost to pay auction suppliers. By failing to allocate a cash working capital requirement to the SSO rate, DP&L thereby subsidizes this cost through revenue collected through distribution rates.

costs are proposed in the B Schedules. The Staff Report failed to analyze or identify costs on these schedules that relate to the provision of SSO service and should therefore be allocated to that service. Such costs include rate base related to categories of costs identified above, as well DP&L's headquarters (MacGregor Park) in Dayton.

Each of the aforementioned expenses and investments are necessary to support the SSO. Moreover, each of these services reflect costs that CRES suppliers must incur to support their own rates. Indeed, in addition to these internal costs, CRES providers often must pay DP&L additional fees, for example, switching fees, billing fees, and interval data fees. In the test year alone, CRES suppliers and their customers paid DP&L \$247,120 in switching fees.<sup>8</sup> These fees likely exceeded \$1 million since 2012.<sup>9</sup> Yet, customers are not required to pay switching fees to return to the SSO.<sup>10</sup> Moreover, DP&L charges CRES providers \$150 for each interval data request. During the test year, CRES providers paid DP&L \$339,300 in interval data fees.<sup>11</sup> The historical usage fees amounted to over \$500,000 in 2016 alone, and approximately \$2.7 million since 2012.<sup>12</sup> Each of the fees discussed above are separate and apart from internal costs that CRES providers must incur to make a competitive product available.

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<sup>8</sup> DP&L Response to IGS-INT-4-3.

<sup>9</sup> *Id.* According to this discovery response, DP&L lacked data for 2013, 2014, and a portion of 2015, but in no year where complete information was available were fees less than \$223,000.

<sup>10</sup> The terms of this charge are set forth on Tariff Sheet Tariff Sheet D34.

<sup>11</sup> DP&L Supplemental Response to IGS-INT-4-2.

<sup>12</sup> DP&L Supplemental Response to IGS-INT-4-2.



Failure to unbundle and allocate SSO-related costs to that service would violate good ratemaking principles, Ohio law, and State Policy against anticompetitive subsidies and in favor of unbundled and comparable rates.

**B. DP&L's historical usage fees are excessive and not supported by the application to increase rates or the Staff Report**

DP&L's Alternate Generation Supplier Coordination Tariff's Schedule of Fees and Charges, page 30 (the "Supplier Tariff") identifies a charge of \$150 for 12 months of interval hourly load data, per account. IGS objects to the Staff Report's failure to discuss or identify how either of these charges were calculated or whether such charges are reasonable. As discussed above, these charges and other supplier fees resulted nearly \$1 million per year and several million since 2012. These charges should be reduced or eliminated.

**C. DP&L's credit and collateral requirements are not transparent or reasonable**

IGS objects to the Staff Report's failure to propose changes to the credit and collateral requirements contained in DP&L's Supplier Tariff. DP&L's electric security plan case modified to some extent matters related to the Supplier Tariff. But the Stipulation and Opinion and Order in that proceeding expressly permitted parties to raise additional matters related to the Supplier Tariff in this proceeding: "[f]or avoidance of doubt, resolution of DP&L's current distribution rate case in Case No. 15-1830-EL-AIR may result in allocation of costs to the SSO rate and therefore, IGS and RESA are not prohibited

from advocating for unbundling or changes to SSO rate *or supplier tariffs in that proceeding or any other distribution rate case.*"<sup>13</sup>

Since the authorization of the Stipulation and Recommendation approving DP&L's electric security plan, DP&L has begun applying these requirements in its Supplier Tariff inconsistent with its historical practice and to the detriment of CRES providers that are not publicly traded. Under these requirements—if DP&L requires a CRES provider to post collateral, which it often does not if the CRES provider is associated with a publicly traded entity—DP&L multiplies 30 days of the supplier's estimated summer usage by the highest monthly average megawatt-hour price from the prior summer's PJM Day Ahead market and multiplies by 30 days of the supplier's capacity obligation by the final Dayton zonal capacity megawatt-day price for the upcoming delivery year. The Supplier Tariff states that "[t]he amount of the security required must be and remain commensurate with the financial risks placed on the Company by that supplier, *including recognition of that supplier's performance.*"<sup>14</sup> But DP&L does not take the latter factor or the general risk profile of a CRES provider into account when establishing collateral levels. Therefore, these requirements have been arbitrarily and inconsistently applied to the detriment of privately held CRES providers.

DP&L's current collateral requirements are by far the most burdensome in the state of Ohio. DP&L's collateral requirements increase the cost of doing business in its

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<sup>13</sup> *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*, Amended Stipulation and Recommendation at 38, fn 10 (Mar. 14, 2017) (emphasis added).

<sup>14</sup> DP&L Alternative Generation Supplier Coordination Tariff, sheet G8, page 24 of 30 (emphasis added).

service territory when less restrictive means could be utilized to safeguard against the risk to DP&L.

Further, after establishing collateral levels for individual CRES providers, DP&L is utilizing an unreasonable process by which the CRES must provide collateral. Specifically, DP&L utilizes a non-public bond form that contains terms DP&L unilaterally modifies from time-to-time as it sees fit. For example, DP&L modified its most recent bond form to require payment from a source of collateral upon 30 days demand to 5 days demand. DP&L appears to have subsequently modified the form again to reflect 2 days. DP&L imposed this requirement without Commission approval or authorization. Accordingly, IGS further objects to the Staff Report's failure to recommend that DP&L specifically obtain Commission approval of its bond form, and that the bond form include the requirement that payment from a collateral source be provided upon 30-days demand.

### **RATE DESIGN**

#### **D. The Staff Report proposes unsubstantiated and unreasonable customer charges and demand charge calculations that will discourage distributed energy resource deployment**

IGS objects to the Staff Report's acceptance of DP&L's proposed straight fixed variable rate design and increase to the residential customer charges as well as the increase to the primary/secondary customer charges.<sup>15</sup> Under Staff's proposed rate design, DP&L's fixed residential customer charge will increase from \$4.25 to \$7.88—or eighty-five (85%) percent more than its current rate.<sup>16</sup> Staff acknowledges that it utilized

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<sup>15</sup> Staff Report at 36.

<sup>16</sup> *Id.*

a minimally compensatory approach when designing the increased residential customer charge.<sup>17</sup> The proposed increase to the fixed residential charge will have unintended consequences for those residential customers deploying distribution energy resources and energy efficient products and services, and ultimately discourage investment.

Energy efficiency customers would also save eighty-five (85%) percent less for every kilowatt hour *not* consumed if Staff's proposal is implemented. Ultimately, the reduction in savings will deter residential customers from absorbing the up-front costs associated with deploying distributed energy resources and energy efficient products and services. Thus, the proposed increase to the customer charge works against the state policy to facilitate the adoption and deployment of distributed energy resources.

Although the Staff Report alleges that a certain level of distribution costs are fixed and should be allocated to a customer charge, the Staff gives no weight to positive impact that distributed energy resources may have on the distributed system—such as reducing line loss or avoiding the need for capital distribution investment by reducing load on a section of the distribution grid.

IGS objects to Staff Report's acceptance of DP&L's proposed methodology for determining customer demand based upon the non-coincident peak of an individual customer.<sup>18</sup> The Staff Report states "[t]he size of a distribution system does not depend on the highest coincident-peak demand on a utility's system, but rather its size depends on the non-coincident peak of the customers it serves."<sup>19</sup> This conclusion is

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<sup>17</sup> *Id.*

<sup>18</sup> Staff Report at 38-43.

<sup>19</sup> Staff Report at 36.

unsubstantiated and contradictory to principles of cost causation. While the system-wide coincident peak may not dictate the size of the distribution system, nor does an individual customer's non-coincident peak if that peak does not coincide with the localized peak on a distribution circuit or distribution feeder. A more localized measurement of customer usage at times when the local distribution system is operating near capacity or at a localized peak on the distribution circuit is a better reflection of the customer's contribution to the cost of the distribution system. The manner in which the Staff Report proposes to calculate demand charges may discourage customers from deploying distributed energy resources that shift customer peak demand away from hours when the localized distribution system is under stress.

To that end, DP&L should calculate a customer's demand based upon their usage at the time of the peak on that customer's localized distribution circuit or feeder. This will ensure that distribution rates are more closely aligned with principles of cost causation.

### **III. Summary of Major Issues**

In summary, the major issues in this case will be:

1. The appropriate amount of costs to unbundle from distribution rates and allocate to default service, as well as the appropriate credit to shopping customers;
2. The calculation of historical usage fees and supplier fees;
3. The calculation and application of DP&L's credit and collateral requirements.
4. The calculation and level of customer chargers and demand charges.

Respectfully submitted,

/s/ Joseph Olikier

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***Attorneys for IGS Energy***

## **CERTIFICATE OF SERVICE**

I certify that this *Objections to Staff Report of Investigation and Summary of Major Issues of Interstate Gas Supply, Inc.* was filed electronically through the Docketing Information System of the Public Utilities Commission of Ohio on this 11<sup>h</sup> day of April 2018. The PUCO's e-filing system will electronically serve notice of the filing of this document on the following parties:

/s/ Joseph Olikier  
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Approval to Change Accounting Methods. :

In the Matter of the Application of The : Case No. 15-1832-EL-ATA  
Dayton Power and Light Company for Tariff  
Approval. :

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**THE DAYTON POWER AND LIGHT COMPANY'S OBJECTIONS  
AND RESPONSES TO INTERSTATE GAS SUPPLY, INC.'S THIRD SET OF  
INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS TO  
THE DAYTON POWER AND LIGHT COMPANY**

**May 31, 2017**

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The Dayton Power and Light Company ("DP&L") objects and responds to Interstate Gas Supply, Inc.'s Third Set of Interrogatories and Requests for Production of Documents to The Dayton Power and Light Company, as follows.

**GENERAL OBJECTIONS**

1. DP&L objects to and declines to respond to each and every discovery request to the extent that it seeks information that is irrelevant and is not reasonably calculated to lead to the discovery of admissible evidence. Ohio Admin. Code § 4901-1-16(B).

2. DP&L objects to and declines to respond to each and every discovery request to the extent that it is harassing, unduly burdensome, oppressive or overbroad. Ohio Admin. Code §§ 4901-1-16(B) and 4901-1-24(A).

3. DP&L objects to each and every discovery request to the extent that it seeks information that is privileged by statute or common law, including privileged communications between attorney and client or attorney work product. Ohio Admin. Code § 4901-1-16(B). Such material or information shall not be provided, and any inadvertent disclosure of material or information protected by the attorney-client privilege, the attorney work product doctrine or any other privilege or protection from discovery is not intended and should not be construed to constitute a waiver, either generally or specifically, with respect to such information or material or the subject matter thereof.

4. DP&L objects to each and every discovery request to the extent that it seeks information that is proprietary, competitively sensitive or valuable, or constitutes trade secrets. Ohio Admin. Code § 4901-1-24(A).

5. To the extent that interrogatories seek relevant information that may be derived from the business records of DP&L or from an examination or inspection of such records and the burden of deriving the answer is the same for the party requesting the information as it is for DP&L, DP&L may specify the records from which the answer may be derived or ascertained and afford the party requesting the information the opportunity to examine or inspect such records. Ohio Admin. Code § 4901-1-19(D).

6. DP&L objects to each and every interrogatory that can be answered more efficiently by the production of documents or by the taking of depositions. Under the

comparable Ohio Civil Rules, "[a]n interrogatory seeks an admission or it seeks information of major significance in the trial or in the preparation for trial. It does not contemplate an array of details or outlines of evidence, a function reserved by rules for depositions." Penn Cent. Transp. Co. v. Armco Steel Corp., 27 Ohio Misc. 76, 77, 272 N.E.2d 877, 878 (Montgomery Cty. 1971). As Penn further noted, interrogatories that ask one to "describe in detail," "state in detail," or "describe in particulars" are "open end invitation[s] without limit on its comprehensive nature with no guide for the court to determine if the voluminous response is what the party sought in the first place." Id., 272 N.E.2d at 878.

7. DP&L objects to each and every discovery request to the extent that it calls for information that is not in DP&L's current possession, custody, or control or could be more easily obtained through third parties or other sources. Ohio Admin. Code § 4901-1-19(C) and 4901-1-20(D). DP&L also objects to each and every discovery request that seeks information that is already on file with the Public Utilities Commission of Ohio or the Federal Energy Regulatory Commission. To the extent that each and every discovery request seeks information available in pre-filed testimony, pre-hearing data submissions and other documents that DP&L has filed with the Commission in the pending or previous proceedings, DP&L objects to it. Ohio Admin. Code § 4901-1-16(G).

8. DP&L reserves its right to redact confidential or irrelevant information from documents produced in discovery. All documents that have been redacted will be stamped as such.

9. DP&L objects to each and every discovery request to the extent that it is vague or ambiguous or contains terms or phrases that are undefined and subject to varying interpretation or meaning, and may, therefore, make responses misleading or incorrect.

10. DP&L objects to any discovery request to the extent that it calls for information not in its possession, but in the possession of DP&L's unregulated affiliates.

11. DP&L objects to each and every discovery request to the extent that it calls for a legal conclusion, and thus seeks information that cannot be sponsored by a witness.

12. DP&L objects because these discovery requests seek information that DP&L does not know at this time.

13. DP&L objects to the request to the extent that it mischaracterizes previous statements or information or is an incomplete recitation of past statements or information or takes those statements or information outside of the context in which they were made.

## **OBJECTIONS AND RESPONSES TO INTERROGATORIES**

INT-3-1. In Response to the Ohio Consumers' Counsel's 10<sup>th</sup> discover request INT-533 Dayton Power & Light provided document DPL-AIR 0009218 ("the Document"). Regarding the subaccount tab, provide supporting documents including but not limited to detailed subaccount statements, purchase receipts, expense explanations and/or justifications, line item subaccount expenses, etc. for the following subaccounts:

- A. 9030000 - Customer Records and Collection Expenses (excel line 473)
- B. 9030004 - Coll Agents Fees & Expense (excel line 474)
- C. 9030050 - Reconnects/Disconnects (excel line 475)
- D. 9030051 - Collection Activities (excel line 476)
- E. 9030097 - Customer Collection Training (excel line 477)
- F. 9200000 – 9200000 A&G Activities (excel line 519)
- G. 9200600 – IC A&G (excel line 540)
- H. 9230000 – Outside Services (excel line 565)
- I. 9230001 – Outside Consultants (excel line 567)
- J. 9230002 – External Auditors (excel line 568)
- K. 9230053 – Commodity contracts (excel line 571)
- L. 9230064 – Operational litigation (excel line 583)
- M. 9230065 - Misc & Other (excel line 584)
- N. 9230067 - PUCO/State Regulatory (excel line 585)
- O. 9230069 – SEC Filings & Corporate Governance (excel line 587)
- P. 9230073 – DPL, Inc. (Misc. Legal Expenses) (excel line 589)
- Q. 9230600 – IC Outside Services (excel line 592)
- R. 9240014 – FIRE & EC-GEN-KILLEN (excel line 600)
- S. 93000012 – Dues & Memberships (excel line 704)
- T. 9300014 – Miscellaneous General Expenses (Bank Fees/Receipts) (excel line 705)
- U. 9750000 Maintenance of PUCO (excel line 689)

**RESPONSE:** General Objections Nos. 1 (relevance), 2 (unduly burdensome), 3 (privileged and work product), 4 (proprietary), 5 (inspection of business records), 6 (calls for a narrative response), 9 (vague or undefined), 13 (mischaracterization). DP&L further objects to this Interrogatory as unduly burdensome. Subject to all general objections, please see IGS 3rd Set INT 3-1 Attachment 1, DP&L-AIR 0034064, which is an Excel file containing all of the general ledger activity for the selected accounts during the test year. A different tab was established for each general ledger account requested, as well as for each "company" within DP&L's general ledger system. This data represents all of the entries to DP&L's general ledger for the accounts requested during the period requested.

Witness Responsible: Craig Forestal

INT-3-2. Regarding the subaccounts identified in INT-3-1, do the values that occurred in the test year represent adjusted jurisdictional amounts proposed to be included in expense at the Dayton Power and Light level? If not, for each subaccount, identify the jurisdictional amounts that DP&L proposes to collect as an expense.

**RESPONSE:** General Objections Nos. 1 (relevance), 2 (unduly burdensome), 4 (proprietary), 5 (inspection of business records), 6 (calls for narrative answer), 9 (vague or undefined), 13 (mischaracterization). DP&L further objects that the request is vague and undefined. Subject to all general objections, DP&L states that in accordance with Case No. 12-2338-AU-ORD, DP&L's test year utilized both actual data and forecasted data, whereas the information contained in IGS 3rd Set INT-3-1 Attachment 1, DP&L-AIR 0034064, are actuals for the test year. As such, the data set forth in IGS 3rd Set INT-3-1 Attachment 1, DP&L-AIR 0034064, for the months of October 2015 through May 2016 does not represent the adjusted jurisdictional amounts proposed to be included in expense at the Dayton Power & Light level; forecasted data was used. The data supplied in our response to INT-3-1 for the actual months of June 2015 through September 2015 was the starting point for establishing the operating expense level for such costs for those months that should be included in the revenue requirement. However, DP&L's operations include generation, transmission and distribution activities. Because this proceeding seeks to establish distribution rates, the allocated jurisdictional amounts showed on Schedule C-2.1 remove generation and transmission costs. The Company then performed certain pro forma adjustments to operating expenses to reflect known changes occurring during or shortly after the test year that make test year amounts not representative of DP&L's ongoing costs or not reflective of costs to be recovered in the distribution rates. Such adjustments have been illustrated by DP&L on Schedules C-3.1 through C-3.25, summarized on Schedule C-3 and described in the testimonies of DP&L's witnesses.

For each of the subaccounts listed in IGS 3rd Set INT-3-1 Attachment 1, DP&L-AIR 0034064, one can determine the pro forma adjusted jurisdictional amounts proposed by DP&L to be included in the revenue requirement in this proceeding by following the following process: (i) Locate the actual balances for such subaccounts in OCC 10<sup>th</sup> Set INT 533 Confidential – May 2016 update.xlsx; (ii) still using OCC 10<sup>th</sup> Set INT 533 Confidential – May 2016 update.xlsx locate the FERC account subtotal for each of the actual month balances (June 2015 through September 2015); (iii) locate the FERC account subtotal on WPC-2.1; (iv) in column D of WPC-2.1 one will see the full year Total Utility unadjusted amount for each FERC account; (v) then trace the full year amount of such FERC account from Column D of WPC-2.1 to Schedule C-2.1 column D by looking for the FERC account number referenced in Column B of Schedule C-2.1; (vi) Schedule C-2.1 can then be used to determine the portion of such expenses allocated to distribution costs; (vii) the allocated amount in Column F of Schedule C-2.1 is then carried to Schedule C-2 Column C where one can determine if a pro forma adjustment is being proposed to that expense category; (viii) Column E of Schedule C-2 illustrates the adjusted jurisdictional balances of each operating expense category that DP&L proposes to be included in the revenue requirement in this proceeding; (ix) then by using Schedules C-3.1 through C-3.25 one can determine the amount of each pro forma adjustment to each FERC account. By using this approach, one can determine what allocations were applied to each subaccount and what pro forma adjustments, if any, were then made to arrive at the amount of such expense DP&L proposed to include in the revenue requirement in this proceeding.

Witness Responsible: Craig Forestal



INT-3-3. The subaccount tab of DP&L AIR 0009218 identifies two different values (and lines) for Account 921, Office Supplies and Expenses, (excel lines 559 and 561). Explain the discrepancy in account balances and provide supporting documents including but not limited to detailed subaccount statements, purchase receipts, expense explanations and/or justifications, line item subaccount expenses, etc. for account 921.

**RESPONSE:** General Objections Nos. 1 (relevance), 2 (unduly burdensome), 3 (privileged and work product), 4 (proprietary), 5 (inspection of business records), 6 (calls for narrative answer), 9 (vague or undefined), 13 (mischaracterization). Subject to all general objections, DP&L states that it does not use different subaccounts to distinguish between amounts to be reported as FERC account 920 – *Administrative and general salaries*, and FERC account 921 – *Office supplies and expenses*. All of such expenses are recorded to the subaccounts listed in the Company's response to OCC 10<sup>th</sup> Set INT 533 Attachment 1 in the "*By Subaccount*" tab in Excel lines 519 through 558. Excel line 559 of that tab represents the sum of the balances of those accounts for each month. Excel line 560 represents the labor portion of such expenses, which is the amount appropriately includable in FERC account 920. Excel line 561 is the remaining portion of the expenses listed in Excel lines 519 through 558 and represents the amount appropriately includable in FERC account 921. The balances carried forward in the "*WPC-2.1*" tab of that same file agree with this explanation.

Witness Responsible: Craig Forestal

INT-3-4. Regarding DP&L's expenses to collect outstanding receivables, separately identify:

- a. O&M expenses
- b. Charge-offs
- c. Outside collection activities
- d. Any other overhead or capital cost associated with the collection of receivables not identified in response to (a)-(c).

**RESPONSE:** General Objections Nos. 1 (relevance), 2 (unduly burdensome), 4 (proprietary), 5 (inspection of business records), 9 (vague or undefined). DP&L further objects because the phrase "charge-offs" is vague and subject to varying interpretations. Subject to all general objections, DP&L states that DP&L's collection expenses for June 2015 through May 2016 in the categories requested were as follows:

a. O&M expenses (IGS 3rd Set RPD-3-1 Attachments 2-5,7)	\$1,286,831
b. Charge-offs (IGS 3rd Set RPD-3-1 Attachment 1)	\$3,498,393
c. Outside collection activities (IGS 3rd Set RPD-3-1 Attachment 6)*	\$138,118
d. Any other overhead or capital cost associated with the collection of receivables not identified in response to (a)-(c).	\$0

\*This number is included in O&M expenses in the ordinary course of business, but for purposes of providing this response this number was removed from O&M and shown in outside collection activities.

IGS 3rd Set RPD-3-1 Attachments 2: Area 139 O&M

IGS 3rd Set RPD-3-1 Attachments 3: Area 139 O&M

IGS 3rd Set RPD-3-1 Attachments 4: Area 139 O&M

IGS 3rd Set RPD-3-1 Attachments 5: Collection Letters Costs (Print and Postage)

IGS 3rd Set RPD-3-1 Attachments 6: Collection Agency Commission Fees

IGS 3rd Set RPD-3-1 Attachments 7: Experian Credit Check Costs

Witness Responsible: Karin Nyhuis

### **REQUESTS FOR PRODUCTION OF DOCUMENTS**

RPD-3-1. Provide a copy of all documents relied upon to answer INT-3-1 through INT-3-4.

**RESPONSE:** General Objections Nos. 1 (relevance), 2 (unduly burdensome), 3 (privileged and work product), 4 (proprietary), 9 (vague or undefined). Subject to all general objections, DP&L states see IGS 3rd Set INT-3-1 Attachment 1, DP&L-AIR 0034064, and IGS 3rd Set RPD-3-1 Attachments 1-7, DP&L-AIR 0034065 – DP&L-AIR 0034071.

RPD-3-2. Provide a copy of all documents to support the Accounts Nos. referenced or identified in INT-3-1 Through INT-3-3.

**RESPONSE:** General Objections Nos. 1 (relevance), 2 (unduly burdensome), 3 (privileged and work product), 4 (proprietary), 9 (vague or undefined). Subject to all general objections, DP&L states please see IGS 3rd Set INT-3-1 Attachment 1, DP&L-AIR 0034064.

Respectfully submitted,

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## CERTIFICATE OF SERVICE

I certify that a copy of the foregoing The Dayton Power and Light Company's Objections and Responses to Interstate Gas Supply, Inc.'s Third Set of Interrogatories and Requests for Production of Documents to The Dayton Power and Light Company, May 31, 2017, has been served via electronic mail upon the following counsel of record, this 20th day of June, 2017:

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1201423.1



**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of The                                 :   Case No. 15-1830-EL-AIR  
Dayton Power and Light Company for an  
Increase in Electric Distribution Rates.                                 :

In the Matter of the Application of The                                 :   Case No. 15-1831-EL-AAM  
Dayton Power and Light Company for  
Approval to Change Accounting Methods.                                 :

In the Matter of the Application of The                                 :   Case No. 15-1832-EL-ATA  
Dayton Power and Light Company for Tariff  
Approval.   :

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**THE DAYTON POWER AND LIGHT COMPANY'S OBJECTIONS  
AND RESPONSES TO INTERSTATE GAS SUPPLY, INC.'S FOURTH SET OF  
INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS TO  
THE DAYTON POWER AND LIGHT COMPANY**

**December 13, 2017**

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The Dayton Power and Light Company ("DP&L") objects and responds to Interstate Gas Supply, Inc.'s Fourth Set of Interrogatories and Requests for Production of Documents to The Dayton Power and Light Company, as follows.

**GENERAL OBJECTIONS**

1.       DP&L objects to and declines to respond to each and every discovery request to the extent that it seeks information that is irrelevant and is not reasonably calculated to lead to the discovery of admissible evidence. Ohio Admin. Code § 4901-1-16(B).

2. DP&L objects to and declines to respond to each and every discovery request to the extent that it is harassing, unduly burdensome, oppressive or overbroad. Ohio Admin. Code §§ 4901-1-16(B) and 4901-1-24(A).

3. DP&L objects to each and every discovery request to the extent that it seeks information that is privileged by statute or common law, including privileged communications between attorney and client or attorney work product. Ohio Admin. Code § 4901-1-16(B). Such material or information shall not be provided, and any inadvertent disclosure of material or information protected by the attorney-client privilege, the attorney work product doctrine or any other privilege or protection from discovery is not intended and should not be construed to constitute a waiver, either generally or specifically, with respect to such information or material or the subject matter thereof.

4. DP&L objects to each and every discovery request to the extent that it seeks information that is proprietary, competitively sensitive or valuable, or constitutes trade secrets. Ohio Admin. Code § 4901-1-24(A).

5. To the extent that interrogatories seek relevant information that may be derived from the business records of DP&L or from an examination or inspection of such records and the burden of deriving the answer is the same for the party requesting the information as it is for DP&L, DP&L may specify the records from which the answer may be derived or ascertained and afford the party requesting the information the opportunity to examine or inspect such records. Ohio Admin. Code § 4901-1-19(D).

6. DP&L objects to each and every interrogatory that can be answered more efficiently by the production of documents or by the taking of depositions. Under the

comparable Ohio Civil Rules, "[a]n interrogatory seeks an admission or it seeks information of major significance in the trial or in the preparation for trial. It does not contemplate an array of details or outlines of evidence, a function reserved by rules for depositions." Penn Cent. Transp. Co. v. Armco Steel Corp., 27 Ohio Misc. 76, 77, 272 N.E.2d 877, 878 (Montgomery Cty. 1971). As Penn further noted, interrogatories that ask one to "describe in detail," "state in detail," or "describe in particulars" are "open end invitation[s] without limit on its comprehensive nature with no guide for the court to determine if the voluminous response is what the party sought in the first place." Id., 272 N.E.2d at 878.

7. DP&L objects to each and every discovery request to the extent that it calls for information that is not in DP&L's current possession, custody, or control or could be more easily obtained through third parties or other sources. Ohio Admin. Code § 4901-1-19(C) and 4901-1-20(D). DP&L also objects to each and every discovery request that seeks information that is already on file with the Public Utilities Commission of Ohio or the Federal Energy Regulatory Commission. To the extent that each and every discovery request seeks information available in pre-filed testimony, pre-hearing data submissions and other documents that DP&L has filed with the Commission in the pending or previous proceedings, DP&L objects to it. Ohio Admin. Code § 4901-1-16(G).

8. DP&L reserves its right to redact confidential or irrelevant information from documents produced in discovery. All documents that have been redacted will be stamped as such.

9. DP&L objects to each and every discovery request to the extent that it is vague or ambiguous or contains terms or phrases that are undefined and subject to varying interpretation or meaning, and may, therefore, make responses misleading or incorrect.

10. DP&L objects to any discovery request to the extent that it calls for information not in its possession, but in the possession of DP&L's unregulated affiliates.

11. DP&L objects to each and every discovery request to the extent that it calls for a legal conclusion, and thus seeks information that cannot be sponsored by a witness.

12. DP&L objects because these discovery requests seek information that DP&L does not know at this time.

13. DP&L objects to the request to the extent that it mischaracterizes previous statements or information or is an incomplete recitation of past statements or information or takes those statements or information outside of the context in which they were made.

## **OBJECTIONS AND RESPONSES TO INTERROGATORIES**

INT-4-1. As of December 31, 2016, identify the amount of DP&L customers in each of the following customer classes, breaking out shopping vs. non-shopping for each category:

- a. Residential Heating
- b. Residential Non-Heating
- c. Commercial
- d. Industrial
- e. State & Local Government
- f. Federal Government
- g. Public Street & Highway Lighting
- h. Street Railway

**RESPONSE:** General Objections Nos. 1 (relevance), 2 (unduly burdensome), 4 (confidential), 5 (inspection of business records). Subject to all general objections, DP&L states that please see IGS Set 4 INT-1 Attachment 1 – HIGHLY CONFIDENTIAL - OUTSIDE COUNSELS' EYES ONLY, DP&L-AIR 0036098.

Witness Responsible: Robert J. Adams

INT-4-2. DP&L's Alternate Generation Supplier Coordination Tariff's Schedule of Fees and Charges, page 30 identifies a charge of \$150 for 12 months of interval hourly load data, per account. Regarding the charge identified above:

- a. Describe and provide calculations demonstrating how the cost of \$150 was derived.
- b. Identify all costs being recovered through the \$150 charge. Including but not limited to labor, software expenses, IT equipment, etc.
- c. Identify the origin or basis of this \$150 charge.
- d. Describe the entire process used to deliver the applicable data to parties who pay the \$150 under the current structure by which the data is delivered
- e. Is the data provided to suppliers through an EDI transaction?
- f. How much labor is required to provide each data request on a monthly basis?
- g. How often and with what delay is interval data delivered to suppliers who pay the \$150 charge under the current system?
- h. Identify the amount fees collected by DP&L in each year for 2012-2017.
- i. Identify the amounts of fees collected during the test year.

**RESPONSE:** General Objections Nos. 1 (relevance), 2 (unduly burdensome), 3 (privileged and work product), 4 (proprietary), 5 (inspection of business records), 6 (calls for narrative answer), 7 (publicly available), 9 (vague or undefined), 11 (calls for a legal conclusion), 12 (seeks information that DP&L does not know at this time), 13 (mischaracterization). Subject to all general objections, DP&L states:

- a. The calculations were derived from the Stipulation and Recommendation filed on October 26, 2011, which was approved in PUCO Case No. 11-3002-EL-MER.

- b. The costs being recovered are a result of confidential settlement communications resulting in the Stipulation and Recommendation filed on October 26, 2011, which was approved in PUCO Case No. 11-3002-EL-MER.
- c. The origin of the \$150 charge is the Stipulation and Recommendation filed on October 26, 2011, which was approved in PUCO Case No. 11-3002-EL-MER.
- d. Requests are made either by email or through an EDI 814 HI transaction. If by email, the recipient will locate the meter recorder IDs by account number, query the requested number of months of data within the MV90 source system, reformat the data and return the data via email. If by EDI, the request will trigger an EDI 867 transaction in response that will include up to 12 months of historical interval data.
- e. Please see the response to sub-part (d).
- f. DP&L objects to this Interrogatory as vague because the phrase "[h]ow much labor" is subject to varying interpretations.
- g. EDI responses will typically be delivered on the next business day following the EDI request but no later than 4 calendar days. Email responses may experience slightly longer delays due to the manual effort involved.
- h. DP&L will supplement its response.
- i. DP&L will supplement its response.

Witness Responsible: Nathan C. Parke

4-3. Identify the total amount of switching fees that DP&L collected (either from a customer or a supplier) in the following time periods:

- a. The test year
- b. 2012
- c. 2013
- d. 2014
- e. 2015
- f. 2016
- g. 2017

**RESPONSE:** General Objections Nos. 1 (relevance), 2 (unduly burdensome), 4 (proprietary), 5 (inspection of business records), 9 (vague or undefined), 12 (seeks information that DP&L does not know at this time). Subject to all general objections, DP&L states:

- a. \$247,120
- b. Not available
- c. Not available
- d. \$158,000 (August-December 2014)
- e. \$254,445
- f. \$223,715
- g. \$270,060

Witness Responsible: Nathan C. Parke



## **REQUESTS FOR PRODUCTION OF DOCUMENTS**

RPD-4-1. Provide a copy of all documents relied upon to answer INT-4-1 through INT-4-3

**RESPONSE:** General Objections Nos. 1 (relevance), 2 (unduly burdensome), 3 (privileged and work product), 4 (proprietary), 7 (publicly available), 9 (vague and undefined). Subject to all general objections, DP&L states that it will produce responsive unprivileged documents.

Respectfully submitted,

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## **CERTIFICATE OF SERVICE**

I certify that a copy of the foregoing The Dayton Power and Light Company's  
Objections and Responses to Interstate Gas Supply, Inc.'s Fourth Set of Interrogatories and  
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**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of The : Case No. 15-1830-EL-AIR  
Dayton Power and Light Company for an  
Increase in Electric Distribution Rates. :

In the Matter of the Application of The : Case No. 15-1831-EL-AAM  
Dayton Power and Light Company for  
Approval to Change Accounting Methods. :

In the Matter of the Application of The : Case No. 15-1832-EL-ATA  
Dayton Power and Light Company for Tariff  
Approval. :

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**THE DAYTON POWER AND LIGHT COMPANY'S SUPPLEMENTAL OBJECTIONS  
AND RESPONSES TO INTERSTATE GAS SUPPLY, INC.'S FOURTH SET OF  
INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS TO  
THE DAYTON POWER AND LIGHT COMPANY**

**December 13, 2017**

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The Dayton Power and Light Company ("DP&L") objects and responds to Interstate Gas Supply, Inc.'s Fourth Set of Interrogatories and Requests for Production of Documents to The Dayton Power and Light Company, as follows.

**GENERAL OBJECTIONS**

1. DP&L objects to and declines to respond to each and every discovery request to the extent that it seeks information that is irrelevant and is not reasonably calculated to lead to the discovery of admissible evidence. Ohio Admin. Code § 4901-1-16(B).

2. DP&L objects to and declines to respond to each and every discovery request to the extent that it is harassing, unduly burdensome, oppressive or overbroad. Ohio Admin. Code §§ 4901-1-16(B) and 4901-1-24(A).

3. DP&L objects to each and every discovery request to the extent that it seeks information that is privileged by statute or common law, including privileged communications between attorney and client or attorney work product. Ohio Admin. Code § 4901-1-16(B). Such material or information shall not be provided, and any inadvertent disclosure of material or information protected by the attorney-client privilege, the attorney work product doctrine or any other privilege or protection from discovery is not intended and should not be construed to constitute a waiver, either generally or specifically, with respect to such information or material or the subject matter thereof.

4. DP&L objects to each and every discovery request to the extent that it seeks information that is proprietary, competitively sensitive or valuable, or constitutes trade secrets. Ohio Admin. Code § 4901-1-24(A).

5. To the extent that interrogatories seek relevant information that may be derived from the business records of DP&L or from an examination or inspection of such records and the burden of deriving the answer is the same for the party requesting the information as it is for DP&L, DP&L may specify the records from which the answer may be derived or ascertained and afford the party requesting the information the opportunity to examine or inspect such records. Ohio Admin. Code § 4901-1-19(D).

6. DP&L objects to each and every interrogatory that can be answered more efficiently by the production of documents or by the taking of depositions. Under the

comparable Ohio Civil Rules, "[a]n interrogatory seeks an admission or it seeks information of major significance in the trial or in the preparation for trial. It does not contemplate an array of details or outlines of evidence, a function reserved by rules for depositions." Penn Cent. Transp. Co. v. Armco Steel Corp., 27 Ohio Misc. 76, 77, 272 N.E.2d 877, 878 (Montgomery Cty. 1971). As Penn further noted, interrogatories that ask one to "describe in detail," "state in detail," or "describe in particulars" are "open end invitation[s] without limit on its comprehensive nature with no guide for the court to determine if the voluminous response is what the party sought in the first place." Id., 272 N.E.2d at 878.

7. DP&L objects to each and every discovery request to the extent that it calls for information that is not in DP&L's current possession, custody, or control or could be more easily obtained through third parties or other sources. Ohio Admin. Code § 4901-1-19(C) and 4901-1-20(D). DP&L also objects to each and every discovery request that seeks information that is already on file with the Public Utilities Commission of Ohio or the Federal Energy Regulatory Commission. To the extent that each and every discovery request seeks information available in pre-filed testimony, pre-hearing data submissions and other documents that DP&L has filed with the Commission in the pending or previous proceedings, DP&L objects to it. Ohio Admin. Code § 4901-1-16(G).

8. DP&L reserves its right to redact confidential or irrelevant information from documents produced in discovery. All documents that have been redacted will be stamped as such.



9. DP&L objects to each and every discovery request to the extent that it is vague or ambiguous or contains terms or phrases that are undefined and subject to varying interpretation or meaning, and may, therefore, make responses misleading or incorrect.

10. DP&L objects to any discovery request to the extent that it calls for information not in its possession, but in the possession of DP&L's unregulated affiliates.

11. DP&L objects to each and every discovery request to the extent that it calls for a legal conclusion, and thus seeks information that cannot be sponsored by a witness.

12. DP&L objects because these discovery requests seek information that DP&L does not know at this time.

13. DP&L objects to the request to the extent that it mischaracterizes previous statements or information or is an incomplete recitation of past statements or information or takes those statements or information outside of the context in which they were made.

## **OBJECTIONS AND RESPONSES TO INTERROGATORIES**

INT-4-2. DP&L's Alternate Generation Supplier Coordination Tariff's Schedule of Fees and Charges, page 30 identifies a charge of \$150 for 12 months of interval hourly load data, per account. Regarding the charge identified above:

- a. Describe and provide calculations demonstrating how the cost of \$150 was derived.
- b. Identify all costs being recovered through the \$150 charge. Including but not limited to labor, software expenses, IT equipment, etc.
- c. Identify the origin or basis of this \$150 charge.
- d. Describe the entire process used to deliver the applicable data to parties who pay the \$150 under the current structure by which the data is delivered
- e. Is the data provided to suppliers through an EDI transaction?
- f. How much labor is required to provide each data request on a monthly basis?
- g. How often and with what delay is interval data delivered to suppliers who pay the \$150 charge under the current system?
- h. Identify the amount fees collected by DP&L in each year for 2012-2017.
- i. Identify the amounts of fees collected during the test year.

**RESPONSE:** General Objections Nos. 1 (relevance), 2 (unduly burdensome), 3 (privileged and work product), 4 (proprietary), 5 (inspection of business records), 6 (calls for narrative answer), 7 (publicly available), 9 (vague or undefined), 11 (calls for a legal conclusion), 12 (seeks information that DP&L does not know at this time), 13 (mischaracterization). Subject to all general objections, DP&L states:

- h. 2012: \$346,200  
2013: \$479,400

2014: \$477,300

2015: \$381,150

2016: \$518,250

2017: \$501,000

i. \$339,300

Witness Responsible: Nathan C. Parke

Respectfully submitted,

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## CERTIFICATE OF SERVICE

I certify that a copy of the foregoing The Dayton Power and Light Company's Supplemental Objections and Responses to Interstate Gas Supply, Inc.'s Fourth Set of Interrogatories and Requests for Production of Documents to The Dayton Power and Light Company, December 13, 2017, has been served via electronic mail upon the following counsel of record, this 16th day of January, 2018:

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**Case No(s). 15-1830-EL-AIR, 15-1831-EL-AAM, 15-1832-EL-ATA**

Summary: Objection electronically filed by Helen Sweeney on behalf of Interstate Gas Supply, Inc.