

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of the Dayton Power and Light Company for an Increase in Electric Distribution Rates.)))	Case No. 15-1830-EL-AIR
In the Matter of the Application of the Dayton Power and Light Company for Approval to Change Accounting Methods.)))	Case No. 15-1831-EL-AAM
In the Matter of the Application of the Dayton Power and Light Company for Tariff Approval.))	Case No. 15-1832-EL-ATA

**MOTION TO STRIKE OBJECTION TO
THE PUCO STAFF'S REPORT OF INVESTIGATION
BY
THE OFFICE OF THE OHIO CONSUMERS' COUNSEL**

The Dayton Power and Light Company (“DP&L”) filed an objection (Objection 36) to the Staff Report¹ to charge consumers -- for amounts previously unrequested in its Application -- for tree trimming expenses that DP&L did not incur during the test period or after the test period.² Moreover, under Ohio Admin. Code 4901-7, DP&L should not be allowed to present any new evidence on this issue (which we will address in a separate motion for striking testimony of Barry Bentley). To protect consumers from paying unlawful and unreasonable utility charges, the Office of the Ohio Consumers’ Counsel moves to strike Objection 36.³ The Public Utilities Commission of Ohio (“PUCO”) should strike this objection.

¹ Report of Investigation of the PUCO Staff (Mar. 12, 2018) (the “Staff Report”).

² The Dayton Power and Light Company’s Objections to the Staff Report at 12 (Apr. 11, 2018) (the “DP&L Objections”).

³ Entry ¶6 (Mar. 14, 2018).

Respectfully submitted,

BRUCE WESTON (0016973)
OHIO CONSUMERS' COUNSEL

/s/ Christopher Healey
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Electric Distribution Rates.)

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Accounting Methods.)

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Power and Light Company for Tariff Approval.)

**MEMORANDUM IN SUPPORT OF MOTION TO STRIKE
OBJECTIONS TO THE PUCO STAFF'S REPORT OF INVESTIGATION
BY
THE OFFICE OF THE OHIO CONSUMERS' COUNSEL**

I. INTRODUCTION

In its Objection 36, DP&L objects to the Staff Report because it “did not address the fact that DP&L’s tree trimming expenses have increased by \$9.6 million since the test period.”⁴ And DP&L relies in its objection on supplemental testimony it filed on the same date.

The PUCO should strike this objection because it lacks the specificity required under Ohio Admin. Code 4901-1-28(B). And the Office of the Ohio Consumers’ Counsel (“OCC”) will soon be filing a motion to strike DP&L’s supplemental testimony, which DP&L relies upon for its objection, because the testimony is not allowed at this late date under Ohio Admin. Code 4901-7, Appendix A (Chapter 2, Section A(6)(c)).

⁴ DP&L Objections at 12.

II. ARGUMENT

The PUCO should strike DP&L's objection 36 because it lacks the specificity required under Ohio Admin. Code 4901-1-28(B). DP&L merely objects that the PUCO Staff did not "address" its new tree trimming expense issue. It is not knowable by the PUCO Staff what result DP&L intends by merely objecting to the failure to "address" an issue.

And the Office of the Ohio Consumers' Counsel ("OCC") will soon be filing a motion to strike DP&L's supplemental testimony (Barry Bentley). DP&L relies upon that testimony for supporting its objection. But the objection should stand alone with specificity. And the testimony is not allowed at this late date under Ohio Admin. Code 4901-7, Appendix A (Chapter 2, Section A(6)(c)). That rule generally limits supplemental testimony to matters "which the applicant could not reasonably expect to be raised in the case." And DP&L does not meet any exceptions in the rule.

III. CONCLUSION

The PUCO should strike DP&L's Objection 36.

Respectfully submitted,

BRUCE WESTON (0016973)
OHIO CONSUMERS' COUNSEL

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CERTIFICATE OF SERVICE

I hereby certify that a copy of this Motion to Strike was served on the persons stated below via electronic transmission, this 18th day of April 2018.

/s/ Christopher Healey
Christopher Healey
Assistant Consumers' Counsel

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This foregoing document was electronically filed with the Public Utilities

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4/18/2018 5:23:41 PM

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Summary: Motion Motion to Strike Objection to The PUCO Staff's Report of Investigation by The Office of the Ohio Consumers' Counsel electronically filed by Ms. Jamie Williams on behalf of Healey, Christopher Mr.