

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE APPLICATION OF
THE DAYTON POWER AND LIGHT
COMPANY FOR APPROVAL OF THE
COGENERATION AND SMALL POWER
PRODUCTION TARIFF.

CASE NO. 17-2285-EL-ATA

FINDING AND ORDER

Entered in the Journal on April 25, 2018

I. SUMMARY

{¶ 1} The Commission finds that the Dayton Power & Light Company's application to amend its Cogeneration and Small Power Production Tariff should be approved.

II. DISCUSSION

{¶ 2} The Dayton Power & Light Company (DP&L) is a public utility as defined in R.C. 4905.02 and, therefore, is subject to the jurisdiction of this Commission.

{¶ 3} The Public Utilities Regulatory Policies Act of 1978 (PURPA) was established, in part, to encourage the development of cogeneration and small power production facilities in the United States. In line with PURPA, the Federal Energy Regulatory Commission (FERC) established rules for the rates of purchase of electric energy from qualifying cogeneration and small production facilities.

{¶ 4} Subsequently, with the passage of the Energy Policy Act of 2005, the section of PURPA that required electric utilities to purchase electricity from cogeneration and small power production facilities was eliminated as long as certain requirements were met, including a determination by FERC that qualifying facilities (QFs) have access to competitive markets. FERC then adopted new rules to accommodate this change and, ultimately, determined that PJM met the criteria associated with the wholesale market described in those rules. 18 C.F.R. 292.309; Order No. 688, 18 C.F.R. Part 292, *New PURPA Section 210(m) Regulations Applicable to Small Power Production and Cogeneration Facilities*,

Final Rule at 7-9 (Oct. 20, 2006). In compliance with the above, the Commission adopted amendments to Ohio Adm.Code 4901:1-10-34 to establish a standardized market-based rate for the purchase of electricity from QFs. *In the Matter of the Commission's Review of Chapter 4901:1-10*, Case No. 12-2050-EL-ORD, Finding and Order (Jan. 15, 2014).

{¶ 5} On November 17, 2017, DP&L filed an application for approval to modify its PUCO No. 17 Electric Generation Service Tariff Sheet No. G21 – the Cogeneration and Small Power Producer Tariff—to update the language to better reflect the current rules. Thereafter, on December 15, 2017, DP&L filed an amended application with a corrected version of the redline tariff.

{¶ 6} On March 9, 2018, Staff filed its review and recommendations regarding DP&L's application. Staff concluded that the proposed amendments to DP&L's Cogeneration and Small Power Production Tariff are in compliance with Ohio Adm.Code 4901:1-10-34. Thus, Staff recommends that the proposed amendments should be adopted.

{¶ 7} The Commission finds that the proposed amendments to DP&L's Cogeneration and Small Power Production Tariff are consistent with Ohio Adm.Code 4901:1-10-34, do not appear to be unjust or unreasonable, and should be approved. Further, the Commission finds that it is unnecessary to hold a hearing in this matter.

III. ORDER

{¶ 8} It is, therefore,

{¶ 9} ORDERED, That DP&L be authorized to file, in final form, two complete copies of the tariffs consistent with this Finding and Order. DP&L shall file one copy in this case docket and one copy in its TRF docket. It is, further,

{¶ 10} ORDERED, That the effective date of the new tariffs shall be a date not earlier than the date upon which the final tariff pages are filed with the Commission. The new tariffs shall be effective upon filing. It is, further,

{¶ 11} ORDERED, That DP&L shall notify all customers via a bill message, bill insert, or a separate mailing within 30 days of the effective date of the tariffs. DP&L shall submit a copy of the customer notice to the Commission's Service Monitoring and Enforcement Department, Reliability and Service Analysis Division, at least 10 days prior to its distribution to customers. It is, further,

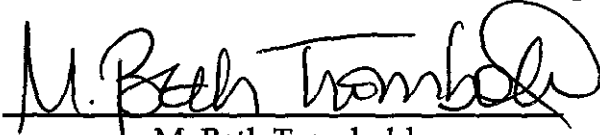
{¶ 12} ORDERED, That nothing in this Finding and Order shall be binding upon this Commission in any future proceeding or investigation involving the justness or reasonableness of any rate, charge, rule, or regulation. It is, further,

{¶ 13} ORDERED, That a copy of this Finding and Order be served upon all parties of record.

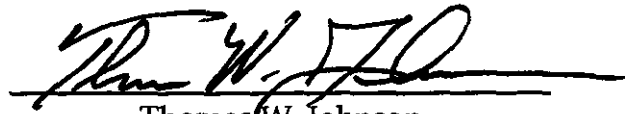
THE PUBLIC UTILITIES COMMISSION OF OHIO



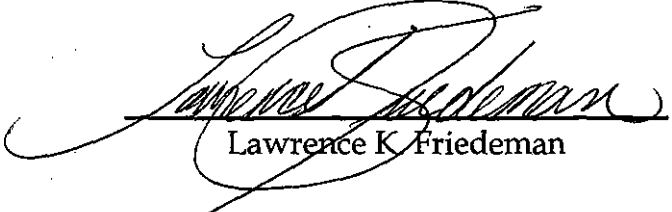
Asim Z. Haque, Chairman



M. Beth Trombold



Thomas W. Johnson



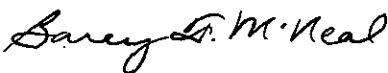
Lawrence K. Friedeman



Daniel R. Conway

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Barcy F. McNeal
Secretary