

THE PUBLIC UTILITIES COMMISSION OF OHIO

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.

CASE No. 16-395-EL-SSO

IN THE MATTER OF THE APPLICATION OF
THE DAYTON POWER AND LIGHT
COMPANY FOR APPROVAL OF REVISED
TARIFFS.

CASE No. 16-396-EL-ATA

IN THE MATTER OF THE APPLICATION OF
THE DAYTON POWER AND LIGHT
COMPANY FOR APPROVAL OF CERTAIN
ACCOUNTING AUTHORITY.

CASE No. 16-397-EL-AAM

ENTRY

Entered in the Journal on May 4, 2018

{¶ 1} The Dayton Power and Light Company (DP&L) is a public utility and an electric distribution utility as defined under R.C. 4905.02 and R.C. 4928.01, respectively. As such, DP&L is subject to the jurisdiction of this Commission.

{¶ 2} On February 22, 2016, DP&L filed an application for a standard service offer pursuant to R.C. 4928.141. DP&L's application is for an electric security plan (ESP) in accordance with R.C. 4928.143. DP&L also filed accompanying applications for approval of revised tariffs and for approval of certain accounting authority. On October 11, 2016, DP&L filed an amended application for an ESP.

{¶ 3} On January 30, 2017, a stipulation and recommendation was filed by DP&L and various parties. Subsequently, on March 14, 2017, an amended stipulation and recommendation was filed by DP&L and various parties, including additional parties that were not part of the first stipulation.

{¶ 4} On October 20, 2017, the Commission issued its Opinion and Order modifying and approving the amended stipulation.

{¶ 5} Beginning November 17, 2017, nine applications for rehearing were filed, followed by five memoranda contra. On December 6, 2017, the Commission granted the applications for rehearing for further consideration of the matters specified within the applications.

{¶ 6} On April 26, 2018, Ohio Environmental Council, Sierra Club, Environmental Law & Policy Center, and Environmental Defense Fund (collectively, Conservation Groups) filed a motion to reopen these proceedings. The Conservation Groups seek to reopen the record to allow for consideration of what they characterize as new risks and newly discovered facts resulting from the bankruptcy filing of FirstEnergy Solutions, which the Conservation Groups assert could impact the costs paid by DP&L customers under the approved Reconciliation Rider.

{¶ 7} On April 27, 2018, DP&L filed a motion for an extension of time in which to file its memorandum in opposition to the Conservation Groups' motion to reopen proceedings. DP&L states that, under the expedited procedural schedule adopted by the Commission on August 16, 2016, DP&L would have only five business days to respond. Given the Commission's October 20, 2017 Opinion and Order, DP&L submits that the expedited procedural schedule is no longer necessary and that returning to the briefing timelines set forth in Ohio Adm.Code 4901-1-12(B) is reasonable. DP&L further requests an expedited ruling under Ohio Adm.Code 4901-1-12(C), explains that no party has objected to that request, and represents that the Conservation Groups do not object to the requested extension of time.

{¶ 8} In consideration of the above, the attorney examiner finds that DP&L's request for an extension of time is reasonable and supported by good cause. Accordingly, the motion should be granted and, consistent with Ohio Adm.Code 4901-1-12(B)(1), DP&L should be given an extension of time through May 11, 2018, in which to file its memorandum contra the motion to reopen these proceedings. The attorney examiner further finds that the Conservation Groups should be given the opportunity to file a reply

memorandum within seven days after service of the memorandum contra as set forth in Ohio Adm.Code 4901-1-12(B)(2).

{¶ 9} It is, therefore,

{¶ 10} ORDERED, That DP&L's motion for an extension of time be granted. It is, further,

{¶ 11} ORDERED, That DP&L's deadline for filing a memorandum contra the pending motion to reopen proceedings be May 11, 2018. It is, further,

{¶ 12} ORDERED, That the Conservation Groups may file a reply memorandum within seven days after service of DP&L's memorandum contra. It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

s/Patricia Schabo

By: Patricia A. Schabo
Attorney Examiner

SJP/sc

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Commission of Ohio Docketing Information System on

5/4/2018 11:19:34 AM

in

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

Summary: Attorney Examiner Entry granting DP&L's motion for an extension directing that DP&L's deadline for filing a memorandum contra the pending motion to reopen proceeding be 05/11/2018 and the Conservation Groups may file a reply memorandum within seven days after service of DP&L's memorandum contra - electronically filed by Sandra Coffey on behalf of Patricia Schabo, Attorney Examiner, Public Utilities Commission of Ohio