

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of The)
Dayton Power & Light Company for)
Approval of Its Electric Security Plan.) Case No. 16-0395-EL-SSO

In the Matter of the Application of The)
Dayton Power & Light Company for)
Approval of Revised Tariffs.) Case No. 16-0396-EL-ATA

In the Matter of the Application of The)
Dayton Power & Light Company for)
Approval of Certain Accounting)
Authority Pursuant to Ohio Rev. Code)
§ 4905.13.) Case No. 16-0397-EL-AAM

**NOTICE OF WITHDRAWAL FROM THE AMENDED STIPULATION AND
RECOMMENDATION OF INTERSTATE GAS SUPPLY, INC.**

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October 19, 2018

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On March 14, 2017, a group of parties submitted an Amended Stipulation (“Stipulation”) for approval to Public Utilities Commission of Ohio (“Commission”) in this proceeding. Among other things, the Stipulation required the Reconciliation Rider (“RR”) to be bypassable to customers served by a competitive retail electric service (“CRES”) provider. The Stipulation attempted to comprehensively resolve several contentious issues. The agreement struck a delicate balance to permit parties to avoid litigation and extensive appeals.

On October 20, 2017, the Commission issued an Opinion and Order modifying and approving the Stipulation. Specifically, the Order modified the RR, making it non-bypassable to customers served by CRES providers. The modification was material and undermined the benefit of the bargain.

On November 20, 2017, IGS and several parties sought rehearing of the Commission's material modification to the Stipulation. The Commission denied IGS' application for rehearing on September 19, 2018.

Following a material modification to the Stipulation not corrected by the Commission, pursuant to Provision XI(5) of the Stipulation, any Signatory Party may withdraw from the Stipulation by filing a Notice of Withdrawal. Prior to withdrawing, a signatory party is required to negotiate in good faith with the other Signatory Parties to attempt to "achieve an outcome that substantially satisfies the intent of the Stipulation."¹ IGS has negotiated with other parties in good faith. But those discussions were not successful.

Therefore, pursuant to Provision XI(5), IGS provides its Notice of Withdrawal from the Stipulation. According to the Amended Stipulation, if a party withdraws as a signatory party, "the Commission will convene an evidentiary hearing to afford that Signatory Party the opportunity to contest the Stipulation by presenting evidence through witnesses, to cross-examine witnesses, to present rebuttal testimony, and to brief all issues that the Commission shall decide based upon the record and briefs."²

Accordingly, IGS hereby provides its Notice of Withdrawal and requests that the Commission establish a procedural schedule to permit IGS to contest the Stipulation. IGS submits its proposed procedural schedule via a separate motion.

Respectfully submitted,

¹ Amended Stipulation and Recommendation at Section XI(5).

² *Id.*

/s/ Joseph Olikier

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Attorneys for IGS

CERTIFICATE OF SERVICE

I certify that this Notice of Withdraw of *Interstate Gas Supply, Inc.* was filed electronically through the Docketing Information System of the Public Utilities Commission of Ohio on this 19th day of October 2018. The PUCO's e-filing system will electronically serve notice of the filing of this document on the following parties:

<p>cfaruki@ficlaw.com djireland@ficlaw.com jsharkey@ficlaw.com mfleisher@elpc.org fdarr@mwncmh.com mpritchard@mwncmh.com jeffrey.mayes@monitoringanalytics.com evelyn.robinson@pjm.com schmidt@sppgrp.com dboehm@BKLawfirm.com mkurtz@BKLawfirm.com kboehm@BKLawfirm.com jkylercohn@BKLawfirm.com william.wright@ohioattorneygeneral.gov Michelle.d.grant@dynegy.com rsahli@columbus.rr.com slesser@calfee.com jlang@calfee.com talexander@calfee.com lhawrot@spilmanlaw.com dwilliamson@spilmanlaw.com charris@spilmanlaw.com gthomas@gtpowergroup.com laurac@chappelleconsulting.net stheodore@epsa.org todonnell@dickinsonwright.com jeanne.kingery@duke-energy.com</p>	<p>kristin.henry@sierraclub.org thomas.mcnamee@ohioattorneygeneral.gov bojko@carpenterlipps.com ghiloni@carpenterlipps.com mjsettineri@vorys.com glpetrucci@vorys.com ibatikov@vorys.com wasieck@vorys.com william.michael@occ.ohio.gov mdortch@kravitzllc.com tdougherty@theOEC.org cmooney@ohiopartners.org sechler@carpenterlipps.com gpoulos@enernoc.com elizabeth.watts@duke-energy.com stephen.chriss@walmart.com greg.tillman@walmart.com mwarnock@bricker.com dborchers@bricker.com ejacobs@ablelaw.org tony.mendoza@sierraclub.org chris@envlaw.com jdoll@djflawfirm.com dparram@bricker.com paul@carpenterlipps.com dressel@carpenterlipps.com rsahli@columbus.rr.com</p>
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/s/ Joseph Olikier

Joseph Olikier

This foregoing document was electronically filed with the Public Utilities

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in

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

Summary: Notice of withdrawal from Amended Stipulation and Recommendation electronically filed by Mr. Joseph E. Olikier on behalf of IGS Energy