

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of )  
The Dayton Power and Light Company for ) Case No. 16-395-EL-SSO  
Approval of Its Electric Security Plan )

In the Matter of the Application of )  
The Dayton Power and Light Company for ) Case No. 16-396-EL-ATA  
Approval of Revised Tariffs )

In the Matter of the Application of )  
The Dayton Power and Light Company for ) Case No. 16-397-EL-AAM  
Approval of Certain Accounting Authority )  
Pursuant to Ohio Rev. Code § 4905.13 )

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**INDUSTRIAL ENERGY USERS-OHIO'S  
MEMORANDUM CONTRA TO  
INTERSTATE GAS SUPPLY, INC.'S  
MOTION FOR PROCEDURAL SCHEDULE**

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**OCTOBER 26, 2018**

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Industrial Energy Users-Ohio ("IEU-Ohio")<sup>1</sup> requests the Public Utilities Commission of Ohio ("Commission") reject the procedural schedule proposed by Interstate Gas Supply, Inc. ("IGS") in its October 19, 2018 motion. For the reasons set forth below, IEU-Ohio requests that a hearing on IGS' request to withdraw from the March 14, 2018 stipulation and recommendation ("Stipulation") be scheduled on or after January 10, 2019.

Through an Opinion and Order issued October 27, 2017, the Commission modified and approved the Stipulation, thereby establishing The Dayton Power and Light

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<sup>1</sup> The City of Dayton and Honda of America Mfg., Inc. have indicated that they do not oppose the procedural schedule proposed by IGS or the alternative schedule proposed herein by IEU-Ohio.

Company's ("DP&L") current electric security plan ("ESP"). The Stipulation provides the right for a Signatory Party to seek rehearing if the Commission modifies all or any part of the Stipulation.<sup>2</sup> If, after the rehearing process, the Commission has not adopted the Stipulation without material modification, a Signatory Party may seek to withdraw from the Stipulation.<sup>3</sup>

The Stipulation provides that if a Signatory Party withdraws "then 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."<sup>4</sup>

On October 19, 2018, IGS filed a Notice of Withdrawal from the Stipulation, specifically citing the Commission's modification to the Reconciliation Rider ("RR") as the modification prompting IGS' withdrawal. The same day, IGS filed a motion asking the Commission to establish the following procedural schedule:

- 11/20/18: IGS Testimony Due
- 12/5/18: Procedural Conference
- 12/12/18: Evidentiary hearing

IGS also requested that the Commission shorten the timeframe to respond to discovery to 7 days.

IEU-Ohio respectfully requests that the Commission reject the proposed procedural schedule. Initially, IGS has not identified the issues it plans to address in

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<sup>2</sup> Stipulation at 38-39 (Mar. 14, 2017).

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

<sup>4</sup> *Id.* at 39.

testimony or at its requested hearing. While IEU-Ohio anticipates participating in any additional hearing scheduled by the Commission, without such an identification of issues by IGS, IEU-Ohio cannot estimate at this time the level of resources it will need to dedicate to the hearing. Furthermore, the Commission has already scheduled several other important matters for early December, including hearings in Vectren Energy Delivery of Ohio Inc.'s rate case (Case Nos. 18-298-GA-AIR, *et al.*), and Ohio Power Company's long-term forecast proceeding (Case Nos. 18-501-EL-FOR, *et al.*). In addition, the appeal of FirstEnergy's current ESP has oral arguments scheduled for January 9, 2019.

Accordingly, IEU-Ohio moves the Commission to adopt the following alternative schedule that will provide all parties an opportunity to prepare for, and participate in, the hearing requested by IGS.

- 12/14/18: IGS to file an identification of issues that it intends to address at the hearing
- 12/14/18: ISG Testimony Due
- 1/4/19: Testimony Responding to IGS' Testimony Due

IEU-Ohio does not believe a procedural conference is needed at this time, but if one is scheduled, IEU-Ohio requests it be scheduled before December 4, 2018.

Respectfully submitted,

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## **CERTIFICATE OF SERVICE**

In accordance with Rule 4901-1-05, Ohio Administrative Code, the PUCO's e-filing system will electronically serve notice of the filing of this document upon the following parties. In addition, I hereby certify that a service copy of the foregoing *Industrial Energy Users-Ohio's Memorandum Contra to Interstate Gas Supply, Inc.'s Motion for Procedural Schedule* was sent by, or on behalf of, the undersigned counsel for IEU-Ohio to the following parties of record this 26<sup>th</sup> day of October 2018, *via* electronic transmission.

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Summary: Memorandum Industrial Energy Users-Ohio's Memorandum Contra to Interstate Gas Supply, Inc.'s Motion for Procedural Schedule electronically filed by Mr. Matthew R. Pritchard on behalf of Industrial Energy Users-Ohio