

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 November 15, 2018.

{¶ 1} The Dayton Power and Light Company (DP&L) is a public utility as defined under R.C. 4905.02, and, as such, is subject to the jurisdiction of this Commission. 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. Additionally, DP&L filed accompanying applications for approval of revised tariffs and for approval of certain accounting authority.

{¶ 2} Thereafter, 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 (Amended Stipulation) 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} Applications for rehearing of the October 20, 2017 Opinion and Order were filed by the Ohio Environmental Council and the Environmental Defense Fund, Murray Energy Corporation and Citizens to Protect DP&L Jobs, Ohio Consumers' Counsel (OCC), DP&L, Industrial Energy Users-Ohio (IEU-Ohio), Retail Energy Supply Association, IGS Energy, Inc. (IGS), Ohio Manufacturers' Association Energy Group, and The Kroger Co. On December 6, 2017, the Commission granted rehearing for further consideration of the matters raised on rehearing. OCC filed a second application for rehearing on January 5, 2018, which was denied by the Commission on January 31, 2018.

{¶ 6} On September 19, 2018, the Commission issued a Third Entry on Rehearing. Therein, the Commission granted, in part, and denied, in part, the application for rehearing filed by DP&L and denied all other applications for rehearing.

{¶ 7} On October 19, 2018, IGS filed two documents: a notice of withdrawal from the Amended Stipulation (Notice of Withdrawal) and a motion for a procedural schedule and memorandum in support. On the same day, OCC filed a third application for rehearing, to which DP&L filed an October 29, 2018 memorandum in opposition. On November 7, 2018, the Commission issued a Fourth Entry on Rehearing denying OCC's third application.

{¶ 8} Meanwhile, on October 26, 2018, DP&L filed a motion to strike IGS's Notice of Withdrawal, presenting three arguments for the Commission's consideration. First, DP&L argues that the Notice of Withdrawal is premature in light of OCC's October 19, 2018 Third Application for Rehearing. Second, DP&L contends that IGS did not support the provision modified by the Commission leading to the Notice of Withdrawal; DP&L reasons that, because IGS did not support that provision, it was not a Signatory Party to that provision and, thus, may not withdraw from the Amended Stipulation. Third, DP&L asserts that the Commission's modification of the Amended Stipulation was not material and, therefore, cannot lead to any party's withdrawal from the agreement. On November 2, 2018, IGS filed a memorandum contra DP&L's motion to strike its Notice of Withdrawal; for various reasons, IGS insists that DP&L's arguments lack merit.

{¶ 9} As mentioned above, IGS also filed a motion for procedural schedule in conjunction with its Notice of Withdrawal. Citing language within the Amended Stipulation allowing for an evidentiary hearing to afford a withdrawing Signatory Party the opportunity to contest the stipulation by presenting evidence, cross-examining witnesses, and submitting briefs, IGS requests that the Commission schedule a hearing for December 12, 2018. IGS also requests that the Commission schedule a prehearing conference for December 5, 2018, and set a deadline for testimony and discovery.

{¶ 10} On October 26, 2018, IEU-Ohio and DP&L each filed a memorandum contra IGS's motion for a procedural schedule. IEU-Ohio expresses concern over the lack of substantive information from IGS, namely the issues IGS plans to address in its testimony or at hearing, and suggests that the Commission schedule any hearing for mid-to-late January 2019 in order to give the parties more time to prepare. In addition to repeating its arguments to strike the Notice of Withdrawal, DP&L criticizes IGS's suggested schedule as overly aggressive. In its reply in support of the motion for a procedural schedule, IGS denies any requirement that it identify a list of specific issues it intends to address at hearing but otherwise expresses no argument with IEU-Ohio's suggestion of a more extended schedule.

{¶ 11} At this time, the attorney examiner finds that conducting a prehearing conference will better allow a meaningful discussion regarding the Notice of Withdrawal and any necessary procedural schedule. Accordingly, a prehearing conference will take place on December 5, 2018, at 9:00 a.m., in Hearing Room 11-D at the offices of the Commission, 180 East Broad Street, Columbus, Ohio 43215. A court reporter will be present.

{¶ 12} It is, therefore,

{¶ 13} ORDERED, That a prehearing conference be scheduled for December 5, 2018, at 9:00 a.m., as stated in Paragraph 11. It is, further,

{¶ 14} ORDERED, That a copy of this Entry be served upon each party of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/*Patricia A. Schabo*

By: Patricia A. Schabo
Attorney Examiner

SJP/hac

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

Summary: Attorney Examiner Entry scheduling prehearing conference electronically filed by Heather A Chilcote on behalf of Patricia Schabo, Attorney Examiner, Public Utilities Commission