

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 December 6, 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} OCC filed a third application for rehearing on October 19, 2018. DP&L filed a memorandum in opposition to rehearing on October 29, 2018. On November 7, 2018, the Commission issued a Fourth Entry on Rehearing denying OCC's third application.

{¶ 8} On October 19, 2018, IGS filed a notice of withdrawal from the Amended Stipulation (Notice of Withdrawal). On October 26, 2018, DP&L filed a motion to strike IGS's Notice of Withdrawal, presenting three arguments for the Commission's consideration. On November 2, 2018, IGS filed a memorandum contra DP&L's motion to strike, arguing that DP&L's arguments lack merit.

{¶ 9} IGS also filed a motion for a procedural schedule and memorandum in support on October 19, 2018. On October 26, 2018, IEU-Ohio and DP&L each filed a memorandum contra the motion for a procedural schedule, to which IGS filed a reply on October 31, 2018.

{¶ 10} By Entry dated November 15, 2018, the attorney examiner scheduled a prehearing conference to address the Notice of Withdrawal and any necessary procedural schedule with counsel for the parties. At the prehearing conference, which was held on the

record, the attorney examiners denied DP&L's motion to strike IGS's Notice of Withdrawal and granted IGS's motion for a procedural schedule, albeit with different dates than those suggested in the motion. Specifically, the attorney examiners determined that the hearing necessitated by IGS's Notice of Withdrawal would commence on January 31, 2019, with the cross-examination of DP&L witness Sharon Schroder. The hearing would then recommence on February 26, 2019, and proceed through its conclusion. Further, IGS was directed to file a notice of witnesses subject to recall by December 28, 2018; the cut-off date for service of all paper discovery (other than notices of deposition) was set as February 4, 2019, with all discovery being subject to a 10-day response period, and IGS was directed to prefile testimony by January 28, 2019.

{¶ 11} Due to a lack of available hearing rooms, the attorney examiner finds that the first day of the hearing must be rescheduled. Accordingly, the hearing will commence on Friday, February 1, 2019, at 10:00 a.m., at the offices of the Commission, 180 East Broad Street, Columbus, Ohio 43215. All other dates established during the prehearing conference remain as stated on the record.

{¶ 12} It is, therefore,

{¶ 13} ORDERED, That the hearing necessitated by IGS's Notice to Withdrawal commence on February 1, 2019, 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

JRJ/hac

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Commission of Ohio Docketing Information System on

12/6/2018 3:24:00 PM

in

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

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