

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

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

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

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

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**JOINT MEMORANDUM CONTRA MOTION OF INTERSTATE GAS SUPPLY, INC.  
TO MODIFY PROCEDURAL SCHEDULE BY OHIO MANUFACTURERS'  
ASSOCIATION ENERGY GROUP AND THE KROGER CO.**

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On January 10, 2019, Interstate Gas Supply, Inc. (IGS) filed a Motion to Modify Procedural Schedule seeking to extend: (i) the deadline for IGS testimony from January 28, 2019 to February 12, 2019; (ii) the discovery cut-off from February 4, 2019 to February 19, 2019; and (iii) the hearing from February 26, 2019 (with one witness going on February 1, 2019) to March 26, 2019.<sup>1</sup> Thereafter, by way of Entry dated January 11, 2019, the Attorney Examiner ordered that IGS's Motion be subject to expedited consideration and thus, any memorandum contra be filed by January 17, 2019.<sup>2</sup> As such, Joint Movants Ohio Manufacturers' Association Energy Group and The Kroger Co. (Joint Movants) submit this Memorandum Contra for the Attorney Examiner's consideration.

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<sup>1</sup> See IGS's Motion to Modify Procedural Schedule at 4-5.

<sup>2</sup> See Entry at 2-3 (January 11, 2019).



Joint Movants do not object to the extensions of the testimony deadline or discovery cut-off. Moreover, Joint Movants do not object to a continuance of the hearing from February 26, 2019. Rather, Joint Movants only oppose the requested start date of March 26, 2019 for the hearing. Specifically, based upon the prior procedural schedule with a hearing date of February 26, 2019, the undersigned counsel for the Joint Movants made Spring Break travel plans with their respective families during the week of March 25, 2019 (the week of Spring Break for several local school districts, including Dublin, Hilliard, and New Albany). As such, counsel for the Joint Movants would be unavailable to participate in the hearing if it is continued to March 26, 2019. That result would prejudice Joint Movants' respective rights as Signatory and Non-Opposing Parties to the Amended Stipulation, from which IGS is seeking to withdraw.

Accordingly, while Joint Movants do not object to a continuance of the hearing, Joint Movants object to the proposed commencement date, and instead, propose continuing the hearing for one week until the week of April 1, 2019, or the first available date thereafter on the Commission's calendar.

Respectfully submitted,

/s/ Kimberly Bojko  
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*Counsel for The Kroger Co.*



**CERTIFICATE OF SERVICE**

I hereby certify that a true and accurate copy of the foregoing Joint Memorandum Contra Motion of Interstate Gas Supply, Inc. to Modify Procedural Schedule by Ohio Manufacturers' Association Energy Group and The Kroger Co. was served via electronic transmission upon the parties of record this 14<sup>th</sup> day of January, 2019.

/s/ Angela Paul Whitfield  
Angela Paul Whitfield

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Summary: Memorandum Joint Memorandum Contra Motion of Interstate Gas Supply, Inc. to Modify Procedural Schedule by Ohio Manufacturers' Association Energy Group and The Kroger Co. electronically filed by Mrs. Angela Whitfield on behalf of The Kroger Co.