

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

FINDING AND ORDER

Entered in the Journal on December 31, 2019

{¶ 1} In this Entry, the attorney examiner grants DP&L's unopposed request for an extension of time to file a memorandum contra the applications for rehearing filed on December 23, 2019, by Ohio Consumers Counsel and Interstate Gas Supply, Inc.

{¶ 2} 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.

{¶ 3} R.C. 4928.141 mandates that an electric distribution utility (EDU) shall provide a standard service offer (SSO) of all competitive retail electric services necessary to maintain essential electric services to customers, including a firm supply of electric generation service, to all consumers within its certified territory. The SSO may be either a market rate offer in accordance with R.C. 4928.142 or an electric security plan (ESP) in accordance with R.C. 4928.143.

{¶ 4} On February 22, 2016, as amended on October 11, 2016, DP&L filed an application for its third ESP (ESP III). On October 20, 2017, the Commission issued its Opinion and Order modifying and approving an amended stipulation (Amended

Stipulation) filed by various parties to this proceeding. ESP III was effective November 1, 2017.

{¶ 5} On September 19, 2018, the Commission denied an application for rehearing filed by Interstate Gas Supply, Inc. (IGS). Third Application for Rehearing (Sep. 19, 2019). Subsequently, on October 19, 2019, IGS withdrew from the Amended Stipulation, requiring a second evidentiary hearing, according to the terms of the Amended Stipulation. Entry (Nov. 15, 2018); Entry (Nov. 20, 2018). Following this additional evidentiary hearing, the Commission issued a Supplemental Opinion and Order on November 21, 2019. In the Supplemental Opinion and Order, the Commission further modified and approved the Amended Stipulation establishing ESP III, eliminating DP&L's distribution modernization rider in light of the Supreme Court of Ohio's decision in *In re Application of Ohio Edison Co.*, 157 Ohio St.3d 73, 2019-Ohio-2401, 131 N.E.3d 906, *reconsideration denied*, 156 Ohio St.3d 1487, 2019-Ohio-3331, 129 N.E.3d 458 (*Ohio Edison*). Supplemental Opinion and Order (Nov. 21, 2019) at ¶1, 102-110, 134.

{¶ 6} On November 26, 2019, DP&L filed a notice of withdrawal of its application for ESP III, pursuant to its statutory right to withdraw its application under R.C. 4928.143(C)(2)(a). On December 18, 2019, the Commission approved the notice of withdrawal, finding that the withdrawal of the application terminated ESP III.

{¶ 7} On December 23, 2019, applications for rehearing regarding the Supplemental Opinion and Order were filed by IGS and Ohio Consumers' Counsel (OCC).

{¶ 8} Subsequently, on December 27, 2019, DP&L filed a motion for an extension of time to file a memorandum contra the applications for rehearing filed by IGS and OCC and a request for expedited consideration. In support of its request for expedited consideration, DP&L represents that it has contacted counsel for the intervening parties in this proceeding and that no party objects to an expedited ruling.

{¶ 9} The attorney examiner finds that DP&L's motion for an extension of time is reasonable and should be granted. The attorney examiner clarifies that the extension of time to file memorandum contra the applications for rehearing filed on December 23, 2019, applies to all parties to this proceeding.

{¶ 10} It is, therefore,

{¶ 11} ORDERED, That DP&L's motion for extension of time to file a memorandum contra the applications for rehearing filed on December 23, 2019, be granted. It is, further,

{¶ 12} ORDERED, That memoranda contra the applications for rehearing filed on December 23, 2019, be filed by January 13, 2020. It is, further,

{¶ 13} ORDERED, That a copy of this Entry be served upon all parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/Gregory A. Price

By: Gregory A. Price
Attorney Examiner

MJA/hac

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in

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

Summary: Attorney Examiner Entry granting motion for extension of time to file memorandum contra and setting deadline to file same electronically filed by Heather A Chilcote on behalf of Gregory A. Price, Attorney Examiner, Public Utilities Commission of Ohio