

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

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| In the Matter of the Application of The Dayton Power and Light Company for Approval of Its Electric Security Plan. |) | Case No. 08-1094-EL-SSO |
| |) | |
| In the Matter of the Application of The Dayton Power and Light Company for Approval of Revised Tariffs. |) | Case No. 08-1095-EL-ATA |
| |) | |
| In the Matter of the Application of The Dayton Power and Light Company for Approval of Certain Accounting Authority Pursuant to Ohio Rev. Code §4905.13. |) | Case No. 08-1096-EL-AAM |
| |) | |
| In the Matter of the Application of The Dayton Power and Light Company for Approval of Its Amended Corporate Separation Plan. |) | Case No. 08-1097-EL-UNC |
| |) | |

MOTION FOR LEAVE TO FILE MEMORANDUM CONTRA INSTANTER BY THE RETAIL ENERGY SUPPLY ASSOCIATION TO THE APPLICATION FOR REHEARING BY INTERSTATE GAS SUPPLY, INC.

The Retail Energy Supply Association¹ (“RESA”) requests leave to file its memorandum contra instanter, attached hereto as Exhibit A, to the January 17, 2020 application for rehearing by Interstate Gas Supply, Inc. (“IGS”). Pursuant to the Attorney Examiner’s January 27, 2020 Order, memoranda contra applications for rehearing in this case were to be filed February 3, 2020, and thus, RESA requests leave to file its memorandum contra only one day after the filing was to have been made. As discussed more thoroughly in the attached memorandum in support,

¹ The comments expressed in this filing represent the position of the Retail Energy Supply Association (RESA) as an organization but may not represent the views of any particular member of the Association. Founded in 1990, RESA is a broad and diverse group of retail energy suppliers dedicated to promoting efficient, sustainable and customer-oriented competitive retail energy markets. RESA members operate throughout the United States delivering value-added electricity and natural gas service at retail to residential, commercial and industrial energy customers. More information on RESA can be found at www.resausa.org.

good cause exists to notify the Commission that the rehearing request would implement a minimum stay requirement for industrial and large commercial customers in the service territory of The Dayton Power and Light Company. No parties will be harmed by granting the requested leave and therefore the Commission should allow for the belated filing of the memorandum contra attached as Exhibit A.

Respectfully submitted,

/s/ Michael J. Settineri

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MEMORANDUM IN SUPPORT

For good cause shown, RESA requests leave to file the memorandum contra attached as Exhibit A instanter, only one day after the deadline to file. The filing of the memorandum contra was unavoidably delayed as RESA continued its internal review and consideration of the new proposition included in IGS' application for rehearing, and could not be accomplished by February 3, 2020 due to the need to obtain necessary authorizations from RESA members.

There will be no prejudice to any other party as a result of the Commission's acceptance of the memorandum contra one day after the filing deadline. No replies are permitted to memoranda contra an application for rehearing,² and thus no party seeking rehearing will have either a limited period to respond to the RESA memorandum contra, or conflicting periods of time to respond to the RESA memorandum contra. In addition, as noted by the Attorney Examiner in the ruling establishing the February 3, 2020 deadline, the Commission has up to 30 days following the filing of an application for rehearing to grant or deny it.³ The one-day delay in the filing of RESA's short memorandum contra will not jeopardize the Commission's ability to consider the issues raised by IGS in its application for rehearing. Rather, granting leave to file the memorandum contra will assist the Commission in its full consideration of IGS' application for rehearing.

² Ohio Admin. Code Rule 4901-1-35.

³ Entry, Case No. 08-1094 (Jan. 27, 2010), at ¶15 (citing R.C. 4903.10).

Given the lack of prejudice to any party, as well as the fact that sufficient time remains to consider the issues raised by IGS in its application for rehearing, RESA requests that the Commission grant leave to file the attached memorandum contra instanter, one day after the established date for filing.

Respectfully submitted,

/s/ Michael J. Settineri
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CERTIFICATE OF SERVICE

The Public Utilities Commission of Ohio e-filing system will electronically serve notice of the filing of this document on the parties referenced in the service list of the docket card who have electronically subscribed to this case. In addition, the undersigned certifies that this document is also being served electronically on the following parties on this 4th day of February, 2020.

/s/ Gretchen L. Petrucci

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**MEMORANDUM CONTRA BY
THE RETAIL ENERGY SUPPLY ASSOCIATION TO THE APPLICATION FOR
REHEARING BY INTERSTATE GAS SUPPLY, INC.**

The Retail Energy Supply Association¹ (“RESA”) submits this memorandum contra to inform the Commission that the January 17, 2020 application for rehearing by Interstate Gas Supply, Inc. (“IGS”), if granted, would implement a minimum stay requirement in DP&L’s supplier coordination tariff for industrial customers and large commercial customers. Through

¹ The comments expressed in this filing represent the position of the Retail Energy Supply Association (RESA) as an organization but may not represent the views of any particular member of the Association. Founded in 1990, RESA is a broad and diverse group of retail energy suppliers dedicated to promoting efficient, sustainable and customer-oriented competitive retail energy markets. RESA members operate throughout the United States delivering value-added electricity and natural gas service at retail to residential, commercial and industrial energy customers. More information on RESA can be found at www.resausa.org.

Attachment A

its application for rehearing, IGS seeks to revert back to the 2012 version of the tariff.² That request would result in reinstating the following tariff language:

4.5 Large Commercial and Industrial Customers Return to Standard Offer Rate Large Commercial and Industrial Customers returning to Standard Service Offer must remain on Standard Service Offer for a period of not less than twelve (12) consecutive months. The Company may be authorized by the Commission to offer a come and go rate, an exit fee, or other options for Customers to switch from the Company before the end of the Company's minimum stay requirement, if any. These options are at the discretion of the Company. A come and go rate offering will allow Customers to have a minimum stay of one (1) billing cycle and will contain market based rates, which shall in no event be below the standard offer price. An exit fee, that may vary based on Customer size or rate class, may be offered to allow the Customer to avoid meeting the minimum stay requirement. If such provisions are authorized by the Commission they will be contained in the Company's Commission approved tariffs. End-use Customer notification requirements to the Company would be required before returning to the Company. Such notification requirements will be contained in the Company's Commission approved tariffs.

Given the Commission's recent recognition in this proceeding that "... it is the policy of this state to recognize the continuing emergence of competitive electricity markets through the development and implementation of flexible regulatory treatment and that such flexible regulatory treatment is necessary in these cases to protect the public interest, maintain reasonable rates, ensure the integrity of existing contracts and protect the CBP process for procuring SSO generation,"³ the Commission should take note that the requested revision will affect large commercial and industrial customers in DP&L's service territory.⁴ For example, such customers would be restricted in taking advantage of favorable pricing opportunities as they arise, or to return to the SSO for a limited number of billing cycles if the customer is running a new bid

² Specifically, IGS states on page 9 that the "...Commission should direct DP&L to revise its Supplier Tariff and restore that tariff to the provisions, terms, and conditions that were in effect when the Commission approved the Supplier Tariff as part of DP&L's merger in Case No. 11-3002-EL-MER." The Commission approved that supplier coordination tariff (eighth version) in Case No. 11-4504-EL-ATA which came out of the stipulation in Case No. 11-3002-EL-MER. *In the Matter of the Application of the Dayton Power and Light Company for Approval of Revisions to its Existing G8, D4 and D5 Tariff*, Case No. 11-4504-EL-ATA, Entry at ¶ 4 (Feb. 14, 2012).

³ Second Finding and Order, Case No. 08-1094 (Dec. 18, 2019), at ¶28. *See also*, R.C. §4928.02(G).

⁴ Nothing in this pleading should be construed as RESA or any of its members' agreement with all provisions in the current G8 schedule.

Attachment A

process for electric supply from alternative suppliers and the bid process (for whatever reason) extends beyond the customer's current contract term. Thus, RESA wants to ensure the Commission understands the impact of IGS' request on the industrial and large commercial customers in DP&L's service territory.

Respectfully submitted,

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Summary: Motion for Leave to File Memorandum Contra Instanter to the Application for Rehearing by Interstate Gas Supply, Inc. electronically filed by Mrs. Gretchen L. Petrucci on behalf of Retail Energy Supply Association