

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of The Dayton Power and Light Company for Approval of Certain Accounting Authority)	Case No. 20-650-EL-AAM
)	
)	
)	
In the Matter of the Application of The Dayton Power and Light Company for Approval of its Temporary Plan for Addressing the COVID-19 State of Emergency)	Case No. 20-651-EL-UNC
)	
)	
)	
In the Matter of the Application of The Dayton Power and Light Company for Waiver of Tariffs and Rules Related to the COVID-19 State of Emergency)	Case No. 20-652-EL-WVR
)	
)	
)	
In the Matter of the Application of The Dayton Power and Light Company for Approval of revised contract with certain customers)	Case No. 20-755-EL-AEC
)	

**APPLICATION FOR REHEARING OF
THE DAYTON POWER AND LIGHT COMPANY**

Pursuant to R.C. 4903.10 and O.A.C. Rule 4901-1-35, The Dayton Power and Light Company (“DP&L or “the Company”) respectfully files this Application for Rehearing of the Commission’s August 12, 2020 Supplemental Finding and Order (“Supplemental Finding and Order”). The Commission’s Supplemental Finding and Order is unreasonable in the following respects:

ASSIGNMENT OF ERROR NO. 1: The PUCO erred to the extent it only granted DP&L permission to forego and defer credit card fees for electronic payment by only those customers that choose to enroll in the 12-month payment plan.

A memorandum in support of this Application for Rehearing is attached.

Respectfully Submitted,

/s/ Michael J. Schuler

Michael J. Schuler (0082390)

The Dayton Power and Light Company

1065 Woodman Drive

Dayton, OH 45432

Telephone: (937) 259-7358

Facsimile: (937) 259-7178

Email: michael.schuler@aes.com

(will accept service via email)

Counsel for The Dayton Power and Light Company

MEMORANDUM IN SUPPORT

I. INTRODUCTION AND BACKGROUND

On March 12, 2020, the Public Utilities Commission of Ohio (“Commission”) initiated Case No. 20-591-AU-UNC, *In the Matter of the Proper Procedures and Process for the Commission’s Operations and Proceedings During the Declared State of Emergency and Related Matters*, and issued an Entry that, due to the declaration of a State of Emergency, “directs all public utilities under its jurisdiction to review their service disconnection policies, practices, and tariff provisions and to promptly seek any necessary approval to suspend otherwise applicable requirements that may impose a service continuity hardship on residential and non-residential customers or create unnecessary COVID-19 risks associated with social contact.” (State of Emergency Proceeding, March 12 Entry at ¶ 1.)

On March 13, 2020, the Commission issued an Entry that, due to the declaration of a State of Emergency, “directs all public utilities under its jurisdiction to review their service reconnection policies, practices, and tariff provisions and to promptly seek any necessary approval to suspend otherwise applicable requirements that may impose a service restoration hardship on residential and non-residential customers or create unnecessary COVID-19 risks associated with social contact.” (State of Emergency Proceeding, March 13 Entry at ¶ 1.) Then, on March 20, 2020, the Commission issued an Entry that, due to the declaration of a State of Emergency, “directs all public utilities under its jurisdiction to suspend in-person, actual meter readings in circumstances where a meter is located inside a customer’s home or similar location, as well as all other non-essential functions that may create unnecessary COVID-19 risks associated with social contact.” (State of Emergency Proceeding, March 20 Entry at ¶ 1.)

DP&L proposed in Case No. 20-650-EL-AAM et al. to implement a number of proactive protections for the duration of the State of Emergency (“Plan”) and received Commission approval of the Plan. In its May 20, 2020 Order, the Commission approved many of those protections under the Plan, including waiving credit card fees for customers that pay bills electronically and deferring the resulting costs associated with any foregone or reduced credit card charges for future recovery. That same order also directed DP&L to file a comprehensive plan for resuming activities and operations that were affected by the State of Emergency. On July 15, 2020, DP&L filed a comprehensive plan to return to pre-COVID-19 activities (“Return Plan”), which outlined the steps and timing of transitioning back to pre-COVID-19 operations. As part of its Return Plan, DP&L proposed to continue waiving and deferring costs associated with credit card fees through November 2021. In its Order approving DP&L’s Return Plan, however, it is unclear whether the Commission granted waiver and deferral of all credit card fees through November 2021 or only for those customers that choose a 12-month payment plan. To the extent necessary, the Commission should grant rehearing and clarify that credit card fees will be waived for any customer that pays electronically through November 2021.

II. LAW AND ARGUMENT

As part of its Return Plan, DP&L requested “to [continue] waiv[ing] credit cards fees for customers that make payment electronically . . . through the terms of the 12-month payment plan, which means through November 2021. DP&L will continue to defer and seek recovery of these costs incurred.” To the extent the request was unclear, DP&L was seeking to waive and defer for future recovery *all* credit card fees that would otherwise be charged to customers that pay electronically, irrespective of whether those customers are on a payment plan. While the Commission approved DP&L’s Return Plan, as part of its Supplemental Opinion and Order, the

Commission described the Company's request as follows: "the Company will waive credit card fees for customers who make electronic payments while enrolled in the 12-month pay agreement plan."

DP&L seeks clarification that the Commission has granted DP&L the authority to waive and defer credit card fees for all customers who make electronic payments irrespective of whether they are on a 12-month pay agreement plan. The waiver of credit cards fees serves the public interest by encouraging contactless payment through electronic means. It also eases financial burdens during an economically challenged time. These public interests are advanced when applied to all customers, not just those that select a 12-month payment plan. Therefore, it would be unreasonable to waive credit card fees for only those customers that selected the 12-month and the Commission should clarify that all credit cards fees are waived through November 2021 and can be deferred for future recovery.

Respectfully Submitted,

/s/ Michael J. Schuler

Michael J. Schuler (0082390)
The Dayton Power and Light Company
1065 Woodman Drive
Dayton, OH 45432
Telephone: (937) 259-7358
Facsimile: (937) 259-7178
Email: michael.schuler@aes.com
(will accept service via email)

Counsel for The Dayton Power and Light Company

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing been served via electronic mail upon the following
counsel of record, this 11th day of September, 2020:

ambrosia.logsdon@occ.ohio.gov
bethany.allen@igs.com
bojko@carpenterlipps.com
ctavenor@theOEC.org
jkylercohn@BKLawfirm.com
joe.oliker@igs.com
kboehm@BKLawfirm.com
michael.nugent@igs.com

mkurtz@BKLawfirm.com
mleppla@theOEC.org
mpritchard@mcneeslaw.com
paul@carpenterlipps.com
rdove@keglerbrown.com
rglover@mcneeslaw.com
tdougherty@theOEC.org
william.michael@occ.ohio.gov

/s/ Michael J. Schuler
Michael J. Schuler (0082390)

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

9/11/2020 4:21:58 PM

in

Case No(s). 20-0650-EL-AAM, 20-0651-EL-UNC, 20-0652-EL-WVR, 20-0755-EL-AEC

Summary: Application for Rehearing of The Dayton Power and Light Company electronically filed by Mr. Michael J Schuler on behalf of The Dayton Power and Light Company