

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of the Dayton)
Power and Light Company for Approval of its) Case No. 18-1875-EL-GRD
Plan to Modernize its Distribution Grid.)

In the Matter of the Application of the Dayton)
Power and Light Company for Approval of a) Case No. 18-1876-EL-WVR
Limited Waiver of Ohio Adm. Code 4901:1-18-)
06(A)(2).)

In the Matter of the Application of the Dayton)
Power and Light Company for Approval of) Case No. 18-1877-EL-AAM
Certain Accounting Methods.)

In the Matter of the Application of the Dayton)
Power and Light Company for Administration of)
the Significantly Excessive Earnings Test Under) Case No. 19-1121-EL-UNC
R.C. 4928.143(F) and Ohio Adm. Code 4901:1-)
35-10 for 2018.)

In the Matter of the Application of the Dayton)
Power and Light Company for Administration of)
the Significantly Excessive Earnings Test Under) Case No. 20-1041-EL-UNC
R.C. 4928.143(F) and Ohio Adm. Code 4901:1-)
35-10 for 2019.)

In the Matter of the Application of The Dayton)
Power and Light Company for a Finding that its)
Current Electric Security Plan Passes the) Case No. 20-680-EL-UNC
Significantly Excessive Earnings Test and the)
More Favorable in the Aggregate Test in R.C.)
4928.143(E).)

**MOTION FOR THREE-DAY EXTENSION FOR FILING TESTIMONY OPPOSING
THE SETTLEMENT
AND
REQUEST FOR EXPEDITED RULING
BY
OFFICE OF THE OHIO CONSUMERS' COUNSEL**

The Office of the Ohio Consumers' Counsel ("OCC") respectfully moves that the PUCO grant an extension of three days in the current deadline of December 14, 2020, for testimony in opposition to the Stipulation and Recommendation.¹ The testimony would then be due on December 17, 2020.

Good cause exists for this request, under Ohio Adm. Code 4901-1-13(A). The time and activity of OCC and others involved in the usual press of business for government regulation of utilities has been increased recently due to activity in the legislative "lame duck" session and other unfolding events. A brief three-day extension would allow OCC a reasonable opportunity to complete testimony in opposition to the Settlement. This brief extension would not prejudice other parties and would not require a postponement to the remainder of the procedural schedule (that includes the Staff's testimony which is due on December 30). Regarding the Staff's testimony, it's not even a fair process that a settlement signatory and proponent (the PUCO's employees, the Staff) has been allowed to file testimony after OCC, which denies OCC the opportunity to address for consumers the Staff's proposed proof for why the settlement meets statutory and PUCO standards. The hearing in this matter does not begin until January 11, 2021.

Further, under Ohio Adm. Code 4901-1-12(C), OCC asks that the PUCO issue an expedited ruling because the testimony is currently due in just two business days.

For these reasons, as explained more fully in the attached Memorandum in Support, OCC respectfully requests that the PUCO modify the current procedural schedule for the limited purpose of allowing testimony in opposition to the Settlement to be filed on or before December 17, 2020.

¹ Stipulation and Recommendation (Oct. 23, 2020) (the "Settlement").

Respectfully submitted,

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/s/ Christopher Healey

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4928.143(E).)

MEMORANDUM IN SUPPORT

Under the current procedural schedule, testimony in opposition to the Settlement is due December 14, 2020. After this, the PUCO Staff’s testimony is due December 30, and the hearing begins January 11, 2021. OCC respectfully requests a three-day extension of the December 14 testimony deadline.

Good cause exists for OCC's request for this three-day extension, under Ohio Adm. Code 4901-1-13(A). The time and activity of OCC and others involved in the usual press of business for government regulation of utilities in the public interest has been increased recently. The increased activity is due partly to the legislative "lame duck" session. There also have been other unfolding events out of the norm, leading to activity.

Further, a brief three-day extension would not prejudice other parties. All Parties other than Staff who wished to file testimony in support of the Settlement have already done so. Those parties had 38 days to file their testimony following the filing of the Settlement. A three-day extension would provide OCC with a total of 17 days to file its testimony following the signatory parties' filing on November 30, 2020. The three-day extension will not delay the ultimate resolution of this case or require any changes to the remaining procedural schedule. The hearing is scheduled for January 11, 2020.

Finally, because OCC's testimony is currently due December 14, 2020, which is just two business days away, there is good cause to grant this motion on an expedited basis under Ohio Adm. Code 4901-1-12(C). OCC cannot certify that no party opposes the request for expedited treatment.

For the reasons set forth herein, OCC respectfully requests that the PUCO grant this motion.

Respectfully submitted,

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Ohio Consumers' Counsel

/s/ Christopher Healey

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CERTIFICATE OF SERVICE

I hereby certify that a copy of this Motion was served on the persons stated below via electronic transmission this 10th day of December 2020.

/s/ Christopher Healey _____
Christopher Healey
Assistant Consumers' Counsel

The PUCO's e-filing system will electronically serve notice of the filing of this document on the following parties:

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Summary: Motion Motion for Three-Day Extension for Filing Testimony Opposing the Settlement and Request for Expedited Ruling by Office of The Ohio Consumers' Counsel electronically filed by Mrs. Tracy J Greene on behalf of Healey, Christopher