

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE APPLICATION OF
THE DAYTON POWER AND LIGHT
COMPANY FOR APPROVAL TO DEFER
DISTRIBUTION DECOUPLING COSTS.

CASE NO. 20-140-EL-AAM

ENTRY

Entered in the Journal on January 7, 2021

{¶ 1} The Dayton Power and Light Company (DP&L or Company) is a public utility and an electric distribution utility as defined in R.C. 4905.02 and R.C. 4928.01(A)(6), respectively. Therefore, DP&L is subject to this Commission's jurisdiction.

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

{¶ 3} On February 22, 2016, as amended on October 11, 2016, DP&L filed an application for its third ESP (ESP III). *In re The Dayton Power and Light Co.*, Case No. 16-395-EL-SSO, et al. (*ESP III Case*). On October 20, 2017, the Commission approved DP&L's proposed ESP III. *ESP III Case*, Opinion and Order (Oct. 20, 2017). As part of ESP III, the Commission authorized the Company to implement revenue decoupling by establishing a nonbypassable Distribution Decoupling Rider (DDR or Decoupling Rider). Although authorized and established as part of ESP III, all other matters relating to the DDR were to be addressed in DP&L's pending distribution rate case, Case No. 15-1830-EL-AIR, or in the Company's next energy efficiency portfolio case. *ESP III Case*, Opinion and Order (Oct. 20, 2017) at ¶ 14.

{¶ 4} Previously, on November 30, 2015, DP&L had filed an application to increase base distribution rates, for accounting authority, and for approval of revised tariffs. *In re the Application of The Dayton Power and Light Company for an Increase in its Electric Distribution*

Rates, Case No. 15-1830-EL-AIR, et al. (*Rate Case*). On June 18, 2018, as supplemented on July 12, 2018, a stipulation and recommendation (Stipulation) was filed in the *Rate Case*. On September 26, 2018, the Commission adopted the Stipulation without modification. *Rate Case*, Opinion and Order (Sep. 26, 2018). As part of the adopted Stipulation, and pursuant to the Opinion and Order in the *ESP III Case*, the Commission permitted the Company to implement revenue decoupling via the Decoupling Rider according to the methodology specified in the Stipulation. *Rate Case*, Opinion and Order (Sep. 26, 2018) at ¶ 54, 73.

{¶ 5} Following protracted litigation in the *ESP III Case*, the Commission issued a Supplemental Opinion and Order further modifying and approving ESP III. *ESP III Case*, Supplemental Opinion and Order (Nov. 21, 2019). Thereafter, on November 26, 2019, DP&L filed a notice of withdrawal of its application for ESP III pursuant to R.C. 4928.143(C)(2)(a). *ESP III Case*, Notice of Withdrawal (Nov. 26, 2019). Additionally, citing to R.C. 4928.143(C)(2)(b), the Company filed proposed revised tariffs seeking to implement its most recent SSO, ESP I. *In re The Dayton Power and Light Co.*, Case No. 08-1094-EL-SSO, et al. (*ESP I Case*), Proposed Revised Tariffs (Nov. 26, 2019). On December 18, 2019, the Commission issued a Finding and Order approving DP&L's withdrawal of ESP III, thereby terminating it. *ESP III Case*, Finding and Order (Dec. 18, 2019).

{¶ 6} As part of its Proposed Revised Tariffs filed on November 26, 2019, DP&L planned to continue the Decoupling Rider without change. *ESP I Case*, Proposed Revised Tariffs (Nov. 26, 2019) at 2. The Commission, however, concluded that ESP I did not include the Decoupling Rider, which was instead created in ESP III, and that the rider should not be continued with the withdrawal and termination of ESP III. *ESP I Case*, Second Finding and Order (Dec. 18, 2019) at ¶ 36. On December 19, 2019, DP&L filed final revised tariffs reflecting the removal of the Decoupling Rider pursuant to the Commission's Second Finding and Order.

{¶ 7} On January 23, 2020, DP&L initiated this proceeding by filing an application to defer as a regulatory asset or liability the Company's distribution decoupling costs

beginning December 19, 2019, pursuant to R.C. 4905.13 and the *Rate Case Stipulation* (Application). The Application seeks only the authority to change accounting methods; recovery of amounts deferred would be addressed in a separate, future proceeding.

{¶ 8} On February 20, 2020, Ohio Consumers' Counsel (OCC) filed a motion to intervene on behalf of DP&L's residential customers.

{¶ 9} On March 9, 2020, the governor signed Executive Order 2020-01D (Executive Order), declaring a state of emergency in Ohio to protect the well-being of Ohioans from the dangerous effects of COVID-19. As described in the Executive Order, state agencies are required to implement procedures consistent with recommendations from the Department of Health to prevent or alleviate the public health threat associated with COVID-19. Additionally, all citizens are urged to heed the advice of the Department of Health regarding this public health emergency in order to protect their health and safety. The Executive Order was effective immediately and will remain in effect until the COVID-19 emergency no longer exists. The Department of Health is making COVID-19 information, including information on preventative measures, available via the internet at coronavirus.ohio.gov/.

{¶ 10} On April 29, 2020, Staff filed its recommendation regarding DP&L's Application. Ultimately, based on its review of the Application, Staff recommends that the Commission deny the Company's request for deferral authority as set forth in the Application.

{¶ 11} On June 8, 2020, the attorney examiner issued an Entry seeking comments to assist the Commission's review of the Application. The Entry established a deadline for the filing of motions to intervene and called for initial and reply comments to be filed by July 6, 2020, and July 20, 2020, respectively. The attorney examiner also granted OCC's motion to intervene.

{¶ 12} By Entry issued December 3, 2020, the attorney examiner granted timely motions to intervene filed by The Ohio Manufacturers' Association Energy Group

(OMAEG) and The Kroger Co. (Kroger). Upon review of the initial and reply comments filed by the parties, the attorney examiner further found that a hearing should be held regarding DP&L's Application. As such, the December 3, 2020 Entry set forth a procedural schedule under which DP&L is to file testimony by January 8, 2021, the intervening parties are to file testimony by January 15, 2021, Staff is to file testimony by January 22, 2021, and a hearing is to commence on February 2, 2021.

{¶ 13} On January 6, 2021, DP&L filed a motion to modify the procedural schedule, for which it requests an expedited ruling. More specifically, DP&L moves for a two-week extension of the filing deadlines for testimony and to reschedule the hearing for a date no earlier than February 18, 2021. In support of the motion, the Company represents that DP&L, Staff, and the intervening parties are engaged in settlement negotiations and that the requested extension will facilitate those efforts and conserve the time, energy, and resources of the Commission and the parties should a stipulation ultimately be reached. The Company further represents that its counsel contacted counsel for Staff and the intervening parties to determine whether they object to the requested extension and/or the request for an expedited ruling. The motion states that Staff, OMAEG, and Kroger affirmatively related their lack of objection to the extension; OCC had not responded; and no party objected to expedited treatment of the motion with OMAEG and Kroger affirmatively expressing their non-objection. After filing the motion, counsel for DP&L emailed the attorney examiners (and all counsel) with the additional information that OCC also had no objection to the requested extension.

{¶ 14} The attorney examiner finds that DP&L's motion to modify the procedural schedule is reasonable and should be granted. Accordingly, the procedural schedule is modified as follows:

- (a) DP&L should file testimony on or before January 22, 2021.
- (b) Intervening parties should file testimony on or before January 29, 2021.

- (c) Staff should file testimony on or before February 5, 2021.
- (d) An evidentiary hearing will commence on March 1, 2021, at 10:00 a.m., via remote hearing technology. A technology test session will be conducted immediately prior to the hearing.
- (e) Any person interested in attending the evidentiary hearing as a non-party can access the rescheduled hearing using the link <https://bit.ly/20-140-EVH-2> and entering the password PUCO, or by calling 1-408-418-9388 and entering access code/event number 179 162 7396. Please note that the link and access code/event number have changed from those provided in the December 3, 2020 Entry.
- (f) Instructions for participation by the parties in the evidentiary hearing, including the technology test session, will be sent to counsel at his or her email address of record.

{¶ 15} It is, therefore,

{¶ 16} ORDERED, That DP&L's motion to modify the procedural schedule be granted as stated in Paragraph 14. It is, further,

{¶ 17} ORDERED, That the parties observe the new procedural schedule set forth in Paragraph 14. It is, further,

{¶ 18} ORDERED, That a hearing in this matter commence on March 1, 2021, at 10:00 a.m., as stated in Paragraph 14. It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/*Patricia A. Schabo*

By: Patricia A. Schabo
Attorney Examiner

SJP/kck

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1/7/2021 3:46:07 PM

in

Case No(s). 20-0140-EL-AAM

Summary: Attorney Examiner Entry Granting DP&L's motion to modify the procedural schedule; ordering a new procedural schedule and scheduling a hearing in this matter for 3.1.21 at 10:00 a.m.
electronically filed by Kelli C. King on behalf of Patricia A. Schabo, Attorney Examiner, Public Utilities Commission of Ohio