



## Office of the Ohio Consumers' Counsel

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March 8, 2021

FILED ON PUCO DOCKET

Ms. Tanowa Troupe  
Secretary  
Docketing Division  
Public Utilities Commission of Ohio  
180 E. Broad St.  
Columbus, Ohio 43215

Re: Dayton Power & Light Co., Case Nos. 18-1875-EL-GRD, 18-1876-EL-WVR, 18-1877-EL-AAM, 19-1121-EL-UNC, 20-1041-EL-UNC, 20-680-EL-UNC – Confidentiality of Reply Brief

Dear Ms. Troupe:

On February 12, 2021, Dayton Power & Light Company (DP&L) filed an initial brief in this case. In its publicly-filed initial brief, DP&L cited its projected return on equity, and DP&L did not redact that information. In its reply brief filed March 5, 2021, the Office of the Ohio Consumers' Counsel (OCC) cited DP&L's initial brief, including the return on equity number.

On March 8, 2021, counsel for DP&L contacted OCC and informed OCC that the return on equity number, as included in DP&L's publicly-filed initial brief, should have been redacted by DP&L because DP&L claims that it is confidential. DP&L, however, stated that it inadvertently failed to redact the information. DP&L's counsel informed OCC that PUCO docketing had agreed to remove DP&L's February 12, 2021 filing from the docket and that DP&L would publicly refile its initial brief with the projected return on equity information now redacted. DP&L's counsel asked OCC to similarly ask PUCO docketing to remove OCC's March 5, 2021 reply brief and refile with the projected return on equity information now redacted.

OCC has contacted PUCO docketing and asked that OCC's reply brief be removed from the docket. Concurrently with this letter, OCC is filing (i) a motion for protective order regarding its reply brief, (ii) a confidential version of its reply brief under seal, and (iii) a public version of its reply brief with the projected return on equity information redacted.

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OCC has agreed to follow this process for refileing its reply brief in an effort to cooperate with DP&L regarding DP&L's error in its initial brief. In so doing, OCC does not concede that the information is confidential. OCC reserves the right to challenge DP&L's claim of confidentiality on any basis, including, but not limited to based on the grounds that the information was available for the public to see on the PUCO's website for at least three weeks through DP&L's own filing.

Sincerely,

/s/ Christopher Healey

Christopher Healey (0086027)

Counsel of Record

Assistant Consumers' Counsel

cc: Attorney Examiners

Parties of Record

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Summary: Correspondence Correspondence by Office of The Ohio Consumers' Counsel electronically filed by Mrs. Tracy J Greene on behalf of Healey, Christopher