

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of	)	
The Dayton Power and Light Company d/b/a	)	
“AES Ohio” to Update its Transmission Cost	)	Case No. 21-224-EL-RDR
Recovery Rider – Non-Bypassable	)	

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**MOTION FOR LEAVE TO FILE APPLICATION OUT OF TIME  
OF THE DAYTON POWER AND LIGHT COMPANY D/B/A AES OHIO**

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Pursuant to Ohio Adm. Code 4901-1-12, and 4901-1-13, The Dayton Power and Light Company d/b/a AES Ohio (“AES Ohio” or “the Company”) hereby respectfully moves the Public Utilities Commission of Ohio (“PUCO” or “the Commission”) for leave to file out of time its Application to Update the Transmission Cost Recovery Rider – Non-Bypassable in this proceeding (“Application”). The Company has filed its Application contemporaneously with this Motion. For the reasons as set forth more fully in the attached memorandum in support, DP&L respectfully requests that the Commission grant this request to file out of time and accept the Application.

Respectfully submitted,

/s/ Michael J. Schuler

Michael J. Schuler (0082390)

\*Counsel of Record

AES Ohio

1065 Woodman Drive

Dayton, OH 45432

Telephone: (937) 259-7358

Email: michael.schuler@aes.com

*Attorney for AES Ohio*

(willing to accept electronic service)

## **MEMORANDUM IN SUPPORT**

In accordance with O.A.C. 4901:1-36-03(A), AES Ohio proposed and was granted authority to file its annual update of the Company's Transmission Cost Recovery Rider – Non-Bypassable (“TCRR-N”) by March 15 each year.<sup>1</sup> AES Ohio prepared such a filing and attempted to timely file the Application on March 15. Unfortunately, AES Ohio's internal communications and document management system, Microsoft Teams, suffered from worldwide technical difficulties that the Company understands were not resolved until after close of business on March 15th. As a result, AES Ohio was unable to access the documents necessary to complete the filing by 5:30 PM.

Granting this Motion for Leave for a single day extension will not prejudice any parties, as no parties have intervened in the case and nearly all parties have historically refrained from intervening in TCRR-N update filings.<sup>2</sup> Nor will it prolong this proceeding because this is a routine filing to update the TCRR-N that has existed in its current form since January 1, 2014. The Commission's rules permit it to grant leave to file pleadings out of time when doing so will cause no harm to the parties and has granted similar leaves due to technical difficulties.<sup>3</sup>

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<sup>1</sup> *In Re the Application of The Dayton Power and Light Company for Approval of its Electric Security Plan*, Case No. 12-426-EL-SSO, Finding and Order at p. 36 (Sept. 4, 2013) (approving DP&L's TCRR without amending the Company's request to file its annual application b March 15 of each year, for rates to be effective June 1 to better align with PJM delivery year); *In Re the Application of The Dayton Power and Light Company to Establish a Standard Service Offer in the Form of an Electric Security Plan*, Case No. 08-1094-EL-SSO, Second Finding and Order at ¶ (December 18, 2019) (continuing the TCRR-N).

<sup>2</sup> Only the Office of the Ohio Consumer's Counsel intervened in the 2018, 2019, and 2020 TCRR-N annual update filings, but did not oppose or actively participate in the matter.

<sup>3</sup> *In the Matter of the Commission's Investigation of the Financial Impact of the Tax Cuts and Jobs Act of 2017 on Regulated Ohio Utility Companies*, Case No. 18-47-AU-COI, Entry on Rehearing (March 8, 2018); (granting the Ohio Manufacturers Association Energy Group leave to file an memorandum contra to applications for rehearing out of time due to DIS technical difficulties); *In the Matter of the Commission's Review of Chapter 4901:1-10 of the Ohio Administrative Code.*, Case No. 12-2050-EL-ORD, Entry ¶¶ 6-7 (Dec. 21, 2017) (granting the numerous motions for leave to file memorandum contra to applications for rehearing out of time due to DIS technical difficulties).

For the foregoing reasons the Company respectfully requests that the Commission grant its Motion for Leave to File Application out of Time.

Respectfully submitted,

/s/ Michael J. Schuler

Michael J. Schuler (0082390)

\*Counsel of Record

AES Ohio

1065 Woodman Drive

Dayton, OH 45432

Telephone: (937) 259-7358

Email: michael.schuler@aes.com

*Attorney for AES Ohio*

(willing to accept electronic service)

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Summary: Motion for Leave to File Application Out of Time electronically filed by Mr. Robert J Adams on behalf of The Dayton Power and Light Company d/b/a AES Ohio