

BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of The Dayton Power and Light Company to Increase Its Rates for Electric Distribution	:	CASE NO. 20-1651-EL-AIR
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In the Matter of the Application of The Dayton Power and Light Company for Accounting Authority	:	CASE NO. 20-1652-EL-AAM
	:	
In the Matter of the Application of The Dayton Power and Light Company for Approval of Revised Tariffs	:	CASE NO. 20-1653-EL-ATA
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**MOTION OF THE DAYTON POWER AND LIGHT COMPANY  
D/B/A AES OHIO TO MODIFY NEWSPAPER NOTICE  
AND FOR EXTENSION OF TIME**

**\*EXPEDITED RULING REQUESTED\***

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Pursuant to the Commission's authority to prescribe the form for notices of applications to increase rates under R.C. 4909.19(A), and its authority to waive provisions of Ohio Adm.Code 4901-7-01, Appendix A ("Standard Filing Requirements" or "SFR") under SFR Chapter II, (A)(4)(a), The Dayton Power and Light Company d/b/a AES Ohio ("AES Ohio" or the "Company") moves to modify the newspaper notice that the Commission recently directed the Company to publish (the "Current Notice"). Apr. 7, 2021 Entry. Specifically, AES Ohio moves to publish the Amended Notice attached as Exhibit 1 instead of the Current Notice. A redline comparison of the Amended Notice to the Current Notice is attached as Exhibit 2.

The Amended Notice reflects two modifications to the Current Notice.

First, the Amended Notice incorporates the Company's recent name change. On February 24, 2021, The Dayton Power and Light Company announced that it would begin doing business as AES Ohio. DP&L also filed and received automatic approval to implement bills that

reflect the new name change, which will commence nearly contemporaneously with the newspaper notice. *See*, Case No. 21-146-EL-UNC. To avoid customer confusion, any of the public notices published in response to this proceeding should reflect the Company's new name.

Second, the Amended Notice removes a reference to the availability of the November 30, 2020 Application in this proceeding for inspection at the Company's office at 1900 Dryden Road, Moraine, Ohio 45439 ("Dryden Road Facility"). Although the Company intended to allow such inspection, public access to the Dryden Road Facility continues to be restricted due to ongoing public health concerns relating to the coronavirus pandemic. AES Ohio, thus, requests a waiver of SFR, Chapter II, (B)(7) requiring the Company to make the Application available for physical inspection. The Amended Notice provides instructions for electronic inspection, as required by R.C. 4909.19(A).

In addition, pursuant to Ohio Adm.Code 4901-1-13(A), AES Ohio moves for an extension of time to begin publishing any notice of this proceeding. The Commission directed the Company to begin publishing the Current Notice within 30 days, i.e., on or before May 7, 2021. Apr. 7, 2021 Entry, ¶ 8. AES Ohio requests to begin publication on or before May 21, 2021 to provide adequate time for the Commission to rule on the Company's request to modify the substance of that notice and for AES Ohio to arrange publication.

Pursuant to Ohio Adm.Code 4901-1-12(C), AES Ohio requests an expedited ruling on this Motion. Counsel for AES Ohio contacted counsel for Staff and Intervenors on April 19, 2021 at 10:10 AM to determine whether they would object to the relief requested in this Motion and whether they would object to expedited consideration of the Motion. AES Ohio certifies that no party expressed any objection, and The Kroger Company and Retail Energy Supply Association expressly stated their non-objection.

Respectfully submitted,

/s/ Michael J. Schuler

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**MEMORANDUM IN SUPPORT OF MOTION OF  
THE DAYTON POWER AND LIGHT COMPANY D/B/A AES OHIO  
TO MODIFY NEWSPAPER NOTICE AND FOR EXTENSION OF TIME**

AES Ohio requests two modifications to the notice of this proceeding that the Commission recently directed the Company to begin publishing on or before May 7, 2021. Apr. 7, 2021 Entry, ¶ 8. Specifically, AES Ohio seeks to modify the Current Notice to reflect the Company's recent name change and to delete a reference to the availability of its Application for inspection at the Company's Dryden Road Facility. Exhibits 1 and 2.

The Commission has broad authority to prescribe the form for notices of applications to increase rates. Pursuant to R.C. 4909.19(A):

"Upon the filing of any application for increase provided for by section 4909.18 of the Revised Code the public utility shall forthwith publish notice of such application, in a form approved by the public utilities commission, once a week for two consecutive weeks in a newspaper published and in general circulation throughout the territory in which such public utility operates and directly affected by the matters referred to in said application. The notice shall include instructions for direct electronic access to the application or other documents on file with the public utilities commission."

(Emphasis added.)

Similarly, SFR, Chapter II, (B)(7) requires public utilities to include in their applications to increase rates "[a] proposed notice for newspaper publication fully disclosing the substance of the application for increase in rates (identified as Schedule S-3)." The Standard Filing Requirements further provide that such notice shall include language that a "copy of the application is available for inspection at the office of the (company) located at (address, city), Ohio . . . ." SFR, Chapter II, (B)(7)(c). The Commission, however, may "waive any requirement of these standard filing requirements, other than a requirement mandated by statute, for good cause shown." SFR, Chapter II, (A)(4)(a).

Consistent with R.C. 4909.19(A) and SFR, Chapter II, (B)(7), the Company proposed the Current Notice in Schedule S-3 of its Application, and the Commission approved that notice for publication. Apr. 7, 2021 Entry, ¶ 8. Since filing the Application, however, the Company announced that it would do business as AES Ohio. In addition, public health restrictions at AES Ohio facilities relating to the coronavirus pandemic have not been lifted, making any requirement for physical inspection of the Application by the public at Company offices unduly burdensome. To address those concerns, AES Ohio requests permission to publish the Amended Notice (attached as Exhibit 1) instead of the Current Notice. The Amended Notice continues to provide instructions for accessing the Application electronically, as required by R.C. 4909.19(A). Thus, there is good cause to publish the Amended Notice, and the Amended Notice does not violate any statutory requirements, including those imposed by R.C. 4909.19(A). SFR, Chapter II, (A)(4)(a).

To provide adequate time for the Commission to consider this Motion and for the Company to arrange publication, AES Ohio further requests an extension until May 21, 2021 to begin publishing its notice of this proceeding. Ohio Adm.Code 4901-1-13(A).

Pursuant to Ohio Adm.Code 4901-1-12(C), AES Ohio requests an expedited ruling on this Motion. Counsel for AES Ohio contacted counsel for Staff and Intervenors on April 19, 2021 at 10:10 AM to determine whether they would object to the relief requested in this Motion and whether they would object to expedited consideration of the Motion. AES Ohio certifies that no party expressed any objection, and The Kroger Company and Retail Energy Supply Association expressly stated their non-objection.

Respectfully submitted,

/s/ Michael J. Schuler

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## **CERTIFICATE OF SERVICE**

I certify that a copy of the foregoing Motion of The Dayton Power and Light Company d/b/a to Modify Newspaper Notice and Extension of Time \*Expedited Ruling Requested\* has been served via electronic mail upon the following counsel of record, this 19th day of April, 2021:

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Counsel for One Energy Enterprises, LLC

/s/ Christopher C. Hollon  
Christopher C. Hollon

# **EXHIBIT 1**

NOTICE OF APPLICATION  
TO THE PUBLIC UTILITIES COMMISSION OF OHIO  
OF THE DAYTON POWER AND LIGHT COMPANY D/B/A AES OHIO  
TO INCREASE ITS ELECTRIC DISTRIBUTION RATES

TO WHOM IT MAY CONCERN:

Pursuant to the requirements of R.C. 4909.19, The Dayton Power and Light Company d/b/a AES Ohio ("AES Ohio" or the "Company") gives notice that on November 30, 2020, the Company filed with the Public Utilities Commission of Ohio ("Commission") an Application to increase its base rates for electric distribution service. The Application has been assigned Case Number 20-1651-EL-AIR by the Commission. AES Ohio is also seeking to amend its tariffs and obtain accounting authority in connection with the proposed rate increase, which have been assigned Case Numbers 20-1652-EL-AAM and 20-1653-EL-ATA. The Application directly affects AES Ohio's entire service territory, which includes all or parts of Auglaize, Butler, Champaign, Clark, Clinton, Darke, Delaware, Fayette, Greene, Highland, Logan, Madison, Mercer, Miami, Montgomery, Pickaway, Preble, Shelby, Union, Van Wert, and Warren Counties.

Base rates are partially responsible for recovering costs associated with maintaining poles, wires and other distribution infrastructure that bring electric services into customer's homes and businesses. In 2015, AES Ohio requested an increase to its base rates for electric distribution service for the first time in nearly a quarter century. AES Ohio and a diverse group of interested parties entered into a settlement in that case, which established the lowest residential electric rates in the State of Ohio. The proposed rates in this case reflect investments in AES Ohio's distribution system and increased costs of operations and maintenance since 2015, including those relating to the devastation caused by the 2019 Memorial Day tornados. The proposed rates would also assist the Company to continue to finance and support the infrastructure necessary to continue providing safe and reliable distribution service to its customers. In reviewing the Application, the Commission will consider AES Ohio's cost to provide electric distribution service from June 1, 2020 to May 31, 2021 and the value of AES Ohio's poles, wires and other equipment used to deliver distribution service as of June 30, 2020.

AES Ohio will continue to have the lowest residential electric rates in the State of Ohio even after approval of the Application. The Application requests the following percentage increases in distribution service operating revenue on a rate schedule basis. Those percentages do not reflect the total bill increase, which will be approximately 11.76% for the typical 1,000 kWh residential user.

Total Residential: 27.63%  
Total Secondary: 25.58%  
Total Primary: 25.08%  
Primary Substation: -10.46%  
High Voltage: -16.02%  
Street Lighting: 25.11%  
Private Outdoor Lighting: 32.81%

The proposals in the Application are subject to changes, including changes as to amount and form, by the Commission. Recommendations that differ from the filed Application may be made by the Staff of the Commission or by intervening parties and may be adopted by the Commission.

Any person, firm, corporation, or association may file, pursuant to R.C. 4909.19, an objection to AES Ohio's Application, which may allege that such Application contains proposals that are unjust and discriminatory or unreasonable.

The Application and supporting documents are available at the offices of the Public Utilities Commission, 180 East Broad Street, Columbus, Ohio 43215-3793. The Application and supporting documents are also available on the Commission's docketing information system at <http://www.puco.ohio.gov>, by selecting DIS, inputting 20-1651-EL-AIR in the case lookup box and selecting the date the application was filed on November 30, 2020.

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# **EXHIBIT 2**

NOTICE OF APPLICATION  
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**This foregoing document was electronically filed with the Public Utilities**

**Commission of Ohio Docketing Information System on**

**4/19/2021 5:14:07 PM**

**in**

**Case No(s). 20-1651-EL-AIR, 20-1652-EL-AAM, 20-1653-EL-ATA**

Summary: Motion Motion of The Dayton Power and Light Company d/b/a AES Ohio to Modify Newspaper Notice and for Extension of Time electronically filed by Mr. Jeffrey S Sharkey on behalf of The Dayton Power and Light Company