

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

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

In the Matter of the Application of the)
Dayton Power and Light Company for) Case No. 18-1876-EL-WVR
Approval of a 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) Case No. 18-1877-EL-AAM
Approval of Certain Accounting Methods.)

In the Matter of the Application of the)
Dayton Power and Light Company for)
Administration of the Significantly) Case No. 19-1121-EL-UNC
Excessive Earnings Test Under 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) Case No. 20-1041-EL-UNC
Excessive Earnings Test Under 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) Case No. 20-680-EL-UNC
Plan Passes the Significantly Excessive)
Earnings Test and the More Favorable in)
the Aggregate Test in R.C. 4928.143(E).)

**MEMORANDUM CONTRA DP&L'S MOTION FOR AN EXTENSION OF TIME
TO FILE ITS OPPOSITION TO OCC'S APPLICATION FOR REHEARING
BY
OFFICE OF THE OHIO CONSUMERS' COUNSEL**

With consumers continuing to pay unjust and unreasonable charges to DP&L, and no possibility for consumers to be protected until the PUCO rules on OCC's application for rehearing, no delay great or small should be countenanced at this point for this utility. But DP&L wants a four-day delay to oppose OCC's application for rehearing while it charges its consumers \$216,0000 per day for an unlawful stability/POLR charge (the Rate Stabilization Charge). In Dayton, the poverty level is 35%; in Montgomery County, food insecurity is 18%.

The Ohio Consumers' Counsel would like for the PUCO to not lose four days of review toward making a full decision within 30 days of OCC's rehearing application, per R.C. 4903.10. Under these circumstances, there is not "good cause" for DP&L's motion, and it should be denied under O.A.C. 4901-1-13(A).

DP&L has sufficient time to respond to the arguments OCC made on rehearing. That sufficient time is the ten days the PUCO rules provide. (Ohio Adm. Code 4901-1-35(B)). There is no unfairness in requiring DP&L to adhere to the PUCO rules.

Given the real prejudice to consumers that exists and the lack of good cause, the PUCO should deny DP&L's motion to delay its response to OCC's application for rehearing.

Respectfully submitted,

Bruce Weston (0016973)
Ohio Consumers' Counsel

/s/ Christopher Healey

Christopher Healey (0086027)
Counsel of Record (Case Nos. 20-680-EL-
UNC and 19-1121-EL-UNC)
Angela D. O'Brien (0097579)
Counsel of Record (Case Nos. 18-1875-EL-
GRD and 20-1041-EL-UNC)
William J. Michael (0070921)
Amy Botschner O'Brien (0074423)
Ambrosia Wilson (0096598)
Assistant Consumers' Counsel

Office of the Ohio Consumers' Counsel

65 East State Street, 7th Floor
Columbus, Ohio 43215
Telephone [Healey]: (614) 466-9571
Telephone [O'Brien]: (614) 466-9575
Telephone [Michael]: (614) 466-1291
Telephone [Botschner O'Brien]: (614) 466-
9575
Telephone [Wilson]: (614) 466-1292
christopher.healey@occ.ohio.gov
angela.obrien@occ.ohio.gov
william.michael@occ.ohio.gov
amy.botschner.obrien@occ.ohio.gov
ambrosia.wilson@occ.ohio.gov
(willing to accept service by e-mail)

CERTIFICATE OF SERVICE

I hereby certify that a copy of this Memorandum Contra was served on the persons stated below via electronic transmission this 21st day of July 2021.

/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:

SERVICE LIST

Case No. 18-1875-EL-GRD, et al.

steven.beeler@ohioattorneygeneral.gov
Robert.eubanks@ohioattorneygeneral.gov
Bethany.allen@igs.com
Joe.oliker@igs.com
Michael.nugent@igs.com
dstinson@bricker.com
kherstein@bricker.com
jspottswood@bricker.com
jdunnlegal@gmail.com
kevin.oles@thompsonhine.com
stephanie.chmiel@thompsonhine.com
cmooney@opae.org
whitt@whitt-sturtevant.com
glover@whitt-sturtevant.com
drinebolt@opae.org
nvijaykar@elpc.org
glpetrucci@vorys.com
dparram@bricker.com
dstinson@bricker.com

ccox@elpc.org
Michael.schuler@aes.com
jsharkey@ficlaw.com
djireland@ficlaw.com
chollon@ficlaw.com
fdarr@mwncmh.com
mpritchard@mwncmh.com
mfleisher@dickinsonwright.com
cpirik@dickinsonwright.com
mkurtz@bkllawfirm.com
kboehm@bkllawfirm.com
jkylercohn@bkllawfirm.com
Bojko@carpenterlipps.com
Dressel@carpenterlipps.com
Paul@carpenterlipps.com
Dutton@carpenterlipps.com
slessor@beneschlaw.com
talexander@beneschlaw.com
mkeaney@beneschlaw.com

Attorney Examiners:

Patricia.schabo@puco.ohio.gov
gregory.price@puco.ohio.gov

Case No. 19-1121-EL-UNC

steven.beeler@ohioattorneygeneral.gov
Michael.schuler@aes.com
mkurtz@bkllawfirm.com
kboehm@bkllawfirm.com
talexander@beneschlaw.com

jkylercohn@bkllawfirm.com
bojko@carpenterlipps.com
paul@carpenterlipps.com
mpritchard@mcneeslaw.com
rglover@mcneeslaw.com

Attorney Examiners:

Patricia.schabo@puco.ohio.gov
gregory.price@puco.ohio.gov

Case No. 20-1041-EL-UNC

steven.beeler@ohioattorneygeneral.gov
Michael.schuler@aes.com
Bojko@carpenterlipps.com
Paul@carpenterlipps.com

mpritchard@mcneeslaw.com
rglover@mcneeslaw.com
talexander@beneschlaw.com

Attorney Examiners:

Patricia.schabo@puco.ohio.gov
Michael.williams@puco.ohio.gov

Case No. 20-680-EL-UNC

thomas.lindgren@ohioattorneygeneral.gov
dparram@bricker.com
dstinson@bricker.com
jspottswood@bricker.com
bojko@carpenterlipps.com
Bethany.allen@igs.com
Joe.oliker@igs.com
Michael.nugent@igs.com
Fdarr2019@gmail.com
paul@carpenterlipps.com
kevin.oles@thompsonhine.com
stephanie.chmiel@thompsonhine.com

jsharkey@ficlaw.com
djireland@ficlaw.com
chollon@ficlaw.com
michael.schuler@aes.com
mkurtz@bkllawfirm.com
kboehm@bkllawfirm.com
jkylercohn@bkllawfirm.com
mpritchard@mcneeslaw.com
rglover@mcneeslaw.com
slessor@beneschlaw.com
talexander@beneschlaw.com
mkeaney@beneschlaw.com
khehmeyer@beneschlaw.com

Attorney Examiners:

Patricia.schabo@puco.ohio.gov
Michael.williams@puco.ohio.gov

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Summary: Memorandum Memorandum Contra DP&L's Motion for an Extension of Time to File Its Opposition to OCC's Application for Rehearing by Office of The Ohio Consumers' Counsel electronically filed by Mrs. Tracy J Greene on behalf of Healey, Christopher