

## 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

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

### ENTRY

Entered in the Journal on September 15, 2021

{¶ 1} The Dayton Power and Light Company (DP&L or the Company) is an electric light company and a public utility as defined in R.C. 4905.03 and R.C. 4905.02, respectively. As such, DP&L is subject to the jurisdiction of this Commission.

{¶ 2} On November 30, 2020, DP&L filed applications for an increase in electric distribution rates, for accounting authority, and for approval of revised tariffs.

{¶ 3} On July 26, 2021, Staff filed a written report of its investigation (Staff Report), copies of which were mailed to the company and other persons deemed interested in the case.

{¶ 4} On July 30, 2021, the attorney examiner issued a procedural schedule setting forth various filing deadlines, scheduling a prehearing conference, and directing that the evidentiary hearing would commence on October 4, 2021. The attorney examiner also announced that local public hearings would be scheduled by subsequent Entry. By Entry issued August 9, 2021, the attorney examiner granted a motion to continue and rescheduled the hearing to commence October 26, 2021. And, on August 17, 2021, the attorney examiner

issued an Entry scheduling two local public hearings and directing the Company to publish legal notice of the hearings.

{¶ 5} Previously, by Entries dated April 7, 2021, April 29, 2021, and June 1, 2021, the attorney examiner granted intervenor status in these cases to the following entities: Ohio Energy Group; Ohio Manufacturers' Association Energy Group; The Kroger Co.; Ohio Consumers' Counsel; University of Dayton; Industrial Energy Users-Ohio; Interstate Gas Supply, Inc.; Retail Energy Supply Association (RESA); Ohio Partners for Affordable Energy; Walmart Inc.; Environmental Law & Policy Center; Ohio Hospital Association; Armada Power, LLC (Armada); Nationwide Energy Partners, LLC (NEP); Direct Energy Services, LLC, and Direct Energy Business, LLC; One Energy Enterprises LLC; and ChargePoint, Inc.<sup>1</sup>

{¶ 6} On June 30, 2021, NEP filed motions requesting that the Commission grant Darren A. Craig and Robert L. Hartley permission to appear pro hac vice in these cases.<sup>2</sup>

{¶ 7} Gov. Bar R. XII governs pro hac vice admission in Ohio, with Section 2 providing the rules governing eligibility to practice. Pursuant to Gov. Bar R. XII, Section 2(A)(7), an attorney seeking to appear pro hac vice must file a motion accompanied by a certificate of pro hac vice registration furnished by the Supreme Court of Ohio's Office of Attorney Services and include other specified information. The attorney examiner has examined the motions for admission pro hac vice submitted on behalf of Attorneys Craig and Hartley and finds that the motions comply with Gov. Bar R. XII, Section 2(A)(7), are reasonable, and should be granted.

{¶ 8} On August 20, 2021, and August 24, 2021, respectively, the City of Dayton (Dayton) and the Ohio Environmental Council (OEC) filed timely motions to intervene.

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<sup>1</sup> On July 14, 2021, Armada withdrew from participating in this proceeding. Similarly, RESA withdrew from these matters by notice filed August 10, 2021.

<sup>2</sup> The motions also sought permission for Mr. Craig and Mr. Hartley to appear pro hac vice on behalf of Armada. Because Armada has withdrawn from this proceeding, this Entry addresses only the request to participate on behalf of NEP.

Neither motion is opposed. Upon review, the attorney examiner finds that both motions are reasonable, demonstrate entitlement to intervention under Ohio Adm.Code 4901-1-11, and should be granted.

{¶ 9} It is, therefore,

{¶ 10} ORDERED, That the June 30, 2021 motions to appear pro hac vice filed on behalf of Darren A. Craig and Robert L. Hartley be granted. It is, further,

{¶ 11} ORDERED, That the motions to intervene filed by Dayton and OEC be granted. It is, further,

{¶ 12} 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

NJW/hac

**This foregoing document was electronically filed with the Public Utilities**

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

Summary: Attorney Examiner Entry ordering that the June 30, 2021 motions to appear pro hac vice filed on behalf of Darren A. Craig and Robert L. Hartley be granted and that the motions to intervene filed by Dayton and OEC be granted electronically filed by Heather A. Chilcote on behalf of Patricia Schabo, Attorney Examiner, Public Utilities Commission