

## 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 November 29, 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} Pursuant to R.C. 4909.19, the Commission caused an investigation to be made of the facts set forth in the rate increase application, the exhibits attached thereto, and the matters connected therewith. 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 deadlines, scheduling a prehearing conference, and directing that the evidentiary hearing be conducted on October 4, 2021. Subsequently, in an Entry issued August 9, 2021, the attorney examiner granted a motion to continue and rescheduled the hearing to commence on October 26, 2021.

{¶ 5} By Entries dated April 7, 2021, April 29, 2021, June 1, 2021, and September 15, 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; Direct Energy Services, LLC, and Direct Energy Business, LLC; One Energy Enterprises LLC; ChargePoint, Inc.; the City of Dayton; and Ohio Environmental Council.<sup>1</sup>

{¶ 6} On September 16, 2021, the attorney examiners conducted a prehearing conference. At that time, the attorney examiners directed Staff to file testimony by October 20, 2021; instructed that the parties exchange exhibits by October 22, 2021; and set an October 25, 2021 deadline for motions to strike testimony.

{¶ 7} By Entry dated September 23, 2021, the attorney examiner directed that, pursuant to published notice, the evidentiary hearing would be called as scheduled on October 26, 2021, at 10:00 a.m., at the offices of the Commission—both in the scheduled hearing room and virtually using Webex—immediately adjourned, and then continued to reconvene one hour later by Webex only.

{¶ 8} By Entry dated October 19, 2021, the attorney examiner granted an October 15, 2021 motion for continuance filed by DP&L. In the Entry, the attorney examiner announced that the evidentiary hearing would still be called on October 26, 2021, at 10:00 a.m., both live at the offices of the Commission and via Webex, but would then be continued to December 7, 2021, at 10:00 a.m. ET via Webex only. The Entry also directed Staff to file testimony on or before November 30, 2021; instructed the parties to exchange exhibits by December 3,

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

2021; and established December 6, 2021, as the deadline for filing motions to strike prefiled testimony.

{¶ 9} On October 26, 2021, the attorney examiners opened the evidentiary hearing as scheduled and, after taking appearances of counsel, adjourned the hearing until December 7, 2021.

{¶ 10} On November 22, 2021, DP&L and Staff (Movants) filed a joint motion to continue the evidentiary hearing with a request for an expedited ruling. Movants ask that the hearing be rescheduled to begin no earlier than January 4, 2022, and that the remaining filing deadlines be extended correspondingly. For cause, Movants explain that the parties would like to continue their ongoing settlement discussions in the hopes that a settlement agreement can be reached. Movants additionally state that Staff counsel circulated a draft copy of the motion to inquire as to the parties' position; as of the filing of the motion, no party had expressed opposition to the requested continuance or to expedited treatment.

{¶ 11} At this time, the attorney examiner finds that good cause supports the motion and that a continuance should be granted. Accordingly, the evidentiary hearing will now reconvene on Wednesday, January 5, 2022, at 10:00 a.m. ET, via Webex. Instructions for participation by the parties will be emailed to counsel at their email address of record prior to the event. Access information for nonparties remains the same: any person interested in observing the hearing as a nonparty when it reconvenes on January 5, 2022, can access the hearing using the link <https://bit.ly/20-1651-EVH2> and entering password PUCO, or by calling 1-408-418-9388, and entering access code/event number 2331 648 3286.

{¶ 12} The attorney examiner further directs Staff to file testimony on or before December 28, 2021; instructs the parties to exchange exhibits by January 3, 2022; and establishes January 4, 2022, at 1:00 p.m., as the deadline for filing motions to strike prefiled testimony.

{¶ 13} It is, therefore,

{¶ 14} ORDERED, That Movants' motion to continue be granted. It is, further,

{¶ 15} ORDERED, That the evidentiary hearing in this proceeding reconvene on Wednesday, January 5, 2022, via Webex as stated in Paragraph 11. It is, further,

{¶ 16} ORDERED, That the parties observe the procedural guidelines set forth in Paragraph 12. It is, further,

{¶ 17} ORDERED, That a copy of this Entry be served upon all parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

*/s/Patricia A. Schabo*

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By: Patricia A. Schabo  
Attorney Examiner

GAP/kck

**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 granting Movants' motion to continue; ordering that the evidentiary hearing in this proceeding reconvene on Wednesday, January 5, 2022, via Webex as stated in Paragraph 11 and ordering that the parties observe the procedural guidelines set forth in Paragraph 12. electronically filed by Kelli C. King on behalf of Patricia A. Schabo, Attorney Examiner, Public Utilities Commission of Ohio