

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 December 21, 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 (OEG); Ohio Manufacturers' Association Energy Group (OMAEG); The Kroger Co. (Kroger); Ohio Consumers' Counsel (OCC); University of Dayton (UD); Industrial Energy Users-Ohio (IEU-Ohio); Interstate Gas Supply, Inc. (IGS); Retail Energy Supply Association (RESA); Ohio Partners for Affordable Energy (OPAE); Walmart Inc. (Walmart); Environmental Law & Policy Center; Ohio Hospital Association (OHA); Armada Power, LLC (Armada); Nationwide Energy Partners, LLC (NEP); Direct Energy Services, LLC, and Direct Energy Business, LLC (together, Direct Energy); One Energy Enterprises LLC (One Energy); ChargePoint, Inc. (ChargePoint); the City of Dayton (the City); and Ohio Environmental Council (OEC).¹

{¶ 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 Entries dated September 23, 2021, and October 19, 2021, the attorney examiner determined that the evidentiary hearing would be called as scheduled on October 26, 2021, both live and remotely via Webex, but would then be continued to December 7, 2021, via Webex only. The October 19, 2021 Entry, which granted a motion to continue filed by DP&L, also set forth new procedural filing deadlines.

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

{¶ 8} 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.

{¶ 9} By Entry dated November 29, 2021, the attorney examiner granted a November 22, 2021 motion for a continuance filed by DP&L and Staff. In the Entry, the attorney examiner announced new procedural filing deadlines and continued the evidentiary hearing to January 5, 2022.

{¶ 10} On December 20, 2022, DP&L, Staff, OEG, Kroger, OMAEG, UD, IEU-Ohio, OP&E, OHA, Walmart, Direct Energy, One Energy, and the City (Movants) filed a joint motion for continuance and request for expedited consideration. Movants ask that the existing procedural schedule be extended by approximately three weeks such that the hearing recommence on January 24, 2022, Staff testimony be due January 18, 2022, exhibits be exchanged by January 20, 2022, and motions to strike be filed by 1:00 p.m. on January 21, 2022. For cause, Movants state that settlement discussions are ongoing and, with parties also attempting to resolve several other cases outside of the base rate case, increasingly complex. Movants explain that a continuance will allow the parties to exchange final positions, determine whether settlement can be reached, and prepare for hearing accordingly. Movants additionally represent that Staff counsel circulated a draft copy of the motion to inquire as to the parties' position. Movants report that OCC and IGS do not oppose the motion and that no response was received from NEP, ChargePoint, or OEC.

{¶ 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 Monday, January 24, 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 24, 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. No further continuances will be granted absent an additional showing of good cause.

{¶ 12} The attorney examiner further directs Staff to file testimony on or before January 18, 2022; instructs the parties to exchange exhibits by January 20, 2022; and establishes January 21, 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 Monday, January 24, 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

By: Patricia A. Schabo
Attorney Examiner

GAP/hac

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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 Movants' motion to continue be granted; that the evidentiary hearing in this proceeding reconvene on Monday, January 24, 2022, via Webex as stated in Paragraph 11; and, that the parties observe the procedural guidelines set forth in Paragraph 12 electronically filed by Heather A. Chilcote on behalf of Patricia Schabo, Attorney Examiner, Public Utilities Commission