

BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of the : Case No. 21-0588-EL-UNC
Significantly Excessive Earnings Test under :
R.C. 4928.143(F) and Ohio Adm.Code :
4901:1-35-10 for The Dayton Power and :
Light Company d/b/a AES Ohio :

In the Matter of the Application of the : Case No. 22-0514-EL-UNC
Significantly Excessive Earnings Test under :
R.C. 4928.143(F) and Ohio Adm.Code :
4901:1-35-10 for The Dayton Power and :
Light Company d/b/a AES Ohio :

UNOPPOSED MOTION FOR CONTINUANCE BY AES OHIO

Pursuant to Ohio Adm.Code 4901-1-13(A) and for good cause shown, The Dayton Power and Light Company d/b/a AES Ohio moves for a continuance of the evidentiary hearing that is currently set to commence on August 1, 2023. Apr. 18, 2023 Entry. AES Ohio asks that the hearing be rescheduled to commence no earlier than September 5, 2023. Counsel for AES Ohio is unavailable to attend a hearing the week of July 31, 2023 due to summer travel, and will be in hearing the week of August 21, 2023 in another Commission proceeding.¹ A continuance until at least September 5, 2023 will avoid these conflicts and enable the parties to explore whether a mutually-agreeable resolution of these proceedings is achievable. AES Ohio further asks the Commission to update the deadlines for filing testimony to align with any new hearing date.²

¹ *In the Matter of the Review of the Reconciliation Rider of The Dayton Power and Light Company d/b/a AES Ohio*, 20-165-EL-RDR, Entry (Apr. 14, 2023).

² See Apr. 18, 2023 Entry, ¶ 8 (setting the deadlines for direct expert testimony by AES Ohio and intervenors for eight days before the hearing and for Staff testimony for five days before the hearing).

AES Ohio certifies that on May 18, 2023, undersigned counsel contacted all counsel in these proceeding to determine whether any party opposed the relief sought in this Motion. All parties responded, and none oppose this Motion.

Respectfully submitted,

/s/ Christopher C. Hollon
Christopher C. Hollon (0086480)
(Counsel of Record, 22-514-EL-UNC)
AES OHIO
1065 Woodman Drive
Dayton, OH 45432
Telephone: (937) 259-7358
Telecopier: (937) 259-7178
Email: christopher.hollon@aes.com

/s/ Jeffrey S. Sharkey
Jeffrey S. Sharkey (0067892)
(Counsel of Record, 21-588-EL-UNC)
FARUKI PLL
110 North Main Street, Suite 1600
Dayton, OH 45402
Telephone: (937) 227-3747
Telecopier: (937) 227-3717
Email: jsharkey@ficlaw.com
Counsel for AES Ohio

(willing to accept service via e-mail)

MEMORANDUM IN SUPPORT

Pursuant to R.C. 4928.143(F), following the end of each annual period of an approved electric security plan, the Commission is required to evaluate if any adjustments resulted in significantly excessive earnings for the electric utility. *Accord*: Ohio Adm.Code 4901:1-35-10.

In these proceedings, AES Ohio seeks administration of the significantly excessive earnings test under R.C. 4928.143(F) and Ohio Adm.Code 4901:1-35-10 for calendar years 2020 and 2021 in Case Nos. 21-588-EL-UNC and 22-514-EL-UNC, respectively. The Commission recently consolidated these proceedings and established a procedural schedule, which includes the commencement of an evidentiary hearing on August 1, 2023. Apr. 18, 2023 Entry, ¶ 8.

AES Ohio asks that the hearing be rescheduled to begin no earlier than September 5, 2023. Counsel for AES Ohio is unavailable to attend a hearing the week of July 31, 2023 due to summer travel, and will be in hearing the week of August 21, 2023 in another Commission proceeding.³ A continuance until at least September 5, 2023 will avoid these conflicts and enable the parties to explore whether a mutually-agreeable resolution of these proceedings is achievable. AES Ohio further asks the Commission to update the deadlines for filing testimony to align with any new hearing date.⁴

³ *In the Matter of the Review of the Reconciliation Rider of The Dayton Power and Light Company d/b/a AES Ohio*, 20-165-EL-RDR, Entry (Apr. 14, 2023).

⁴ *See* Apr. 18, 2023 Entry, ¶ 8 (setting the deadlines for direct expert testimony by AES Ohio and intervenors for eight days before the hearing and for Staff testimony for five days before the hearing).

Respectfully submitted,

/s/ Christopher C. Hollon
Christopher C. Hollon (0086480)
(Counsel of Record, 22-514-EL-UNC)
AES OHIO
1065 Woodman Drive
Dayton, OH 45432
Telephone: (937) 259-7358
Telecopier: (937) 259-7178
Email: christopher.hollon@aes.com

/s/ Jeffrey S. Sharkey
Jeffrey S. Sharkey (0067892)
(Counsel of Record, 21-588-EL-UNC)
FARUKI PLL
110 North Main Street, Suite 1600
Dayton, OH 45402
Telephone: (937) 227-3747
Telecopier: (937) 227-3717
Email: jsharkey@ficlaw.com
Counsel for AES Ohio

(willing to accept service via e-mail)

CERTIFICATE OF SERVICE

I certify that the foregoing document was e-filed with the Public Utilities Commission of Ohio on May 19, 2023. The PUCO’s e-filing system will electronically service notice of the filing of this document on the following parties.

Case No. 21-588-EL-UNC

Staff of the Public Utilities Commission of Ohio

Thomas Lindgren thomas.lindgren@ohioago.gov
Amy Botschner O’Brien amy.botschnerobrien@ohioago.gov

Office of the Ohio Consumers’ Counsel

Angela O’Brien angela.obrien@occ.ohio.gov

Ohio Energy Leadership Counsel

David Proaño dproano@bakerlaw.com
Ali Haque ahaque@bakerlaw.com
Erika Prouty eprouthy@bakerlaw.com
Paul Willison pwillison@bakerlaw.com

Case No. 22-514-EL-UNC

Staff of the Public Utilities Commission of Ohio

Thomas Lindgren thomas.lindgren@ohioago.gov
Amy Botschner O’Brien amy.botschnerobrien@ohioago.gov

Office of the Ohio Consumers’ Counsel

Connor Semple connor.semple@occ.ohio.gov

Ohio Energy Leadership Counsel

David Proaño dproano@bakerlaw.com
Ali Haque ahaque@bakerlaw.com
Erika Prouty eprouthy@bakerlaw.com
Paul Willison pwillison@bakerlaw.com

/s/ Christopher C. Hollon

Christopher C. Hollon

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in

Case No(s). 21-0588-EL-UNC, 22-0514-EL-UNC

Summary: Motion Unopposed Motion for Continuance by AES Ohio electronically filed by Mr. Christopher C. Hollon on behalf of The Dayton Power and Light Company d/b/a AES Ohio.