

## THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE APPLICATION OF  
THE 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.

CASE NO. 21-588-EL-UNC

IN THE MATTER OF THE APPLICATION OF  
THE 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.

CASE NO. 22-514-EL-UNC

### ENTRY

Entered in the Journal on May 22, 2023

{¶ 1} The Dayton Power and Light Company d/b/a AES Ohio (AES Ohio) is an electric distribution utility and a public utility as defined in R.C. 4928.01(A)(6) and R.C. 4905.02, respectively. As such, AES Ohio is subject to the jurisdiction of this Commission.

{¶ 2} 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. This determination is measured by whether the earned return on common equity of the utility is significantly in excess of the return on common equity that was earned during the same period by publicly traded companies, including other utilities, that face comparable business and financial risk, with adjustments for capital structure as may be appropriate.

{¶ 3} On May 17, 2021, in Case No. 21-588-EL-UNC, AES Ohio filed an application and supporting documents for the administration of the significantly excessive earnings test, as required by R.C. 4928.143(F) and Ohio Adm.Code 4901:1-35-10, for calendar year 2020.

{¶ 4} On May 27, 2021, the Ohio Consumers' Counsel (OCC) filed a motion to intervene in Case No. 21-588-EL-UNC.

{¶ 5} On May 16, 2022, in Case No. 22-514-EL-UNC, AES Ohio filed an application and supporting documents for the administration of the significantly excessive earnings test, as required by R.C. 4928.143(F) and Ohio Adm.Code 4901:1-35-10, for calendar year 2021.

{¶ 6} On June 9, 2022, OCC filed a motion to intervene in Case No. 22-514-EL-UNC.

{¶ 7} By Entry dated April 18, 2023, the attorney examiner determined that these matters should be consolidated for the purposes of hearing and issued a procedural schedule by which the evidentiary hearing is scheduled for August 1, 2023, and various filing deadlines were established. The Entry also granted OCC's pending motions to intervene.

{¶ 8} On May 12, 2023, Ohio Energy Leadership Council filed a motion to intervene in the above-captioned cases.

{¶ 9} On May 19, 2023, AES Ohio filed an unopposed motion for a continuance of the hearing date and associated deadlines for filing witness testimony. In the motion, AES Ohio explains that counsel for the Company is unavailable to attend the hearing as scheduled due to summer travel and is engaged before the Commission in a separate proceeding during the following weeks. To avoid these conflicts, and to enable the parties time to explore whether a negotiated resolution of these cases is achievable, AES Ohio asks that the hearing be rescheduled to commence no earlier than September 5, 2023, and that the associated testimony filing dates be extended accordingly. Finally, counsel for the Company certifies that all counsel involved in these proceedings were contacted regarding the motion, all responded, and none opposed the motion.

{¶ 10} The attorney examiner finds that AES Ohio's motion for a continuance is reasonable and should be granted. Therefore, the procedural schedule issued April 18, 2023, is extended as follows:

- (a) All direct expert testimony by AES Ohio and intervenors shall be filed by September 5, 2023.
- (b) Staff shall file testimony by September 8, 2023.
- (c) The evidentiary hearing will commence on September 12, 2023, at 10:00 a.m., in Hearing Room 11-C, at the offices of the Commission, 180 East Broad Street, 11th Floor, Columbus, Ohio 43215.

{¶ 11} It is, therefore,

{¶ 12} ORDERED, That AES Ohio's unopposed motion for a continuance be granted. It is, further,

{¶ 13} ORDERED, That all parties and interested persons follow the amended procedural schedule set forth in Paragraph 10. It is, further,

{¶ 14} 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

MJA/dmh

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

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

Summary: Attorney Examiner Entry that all direct expert testimony by AES Ohio and intervenors shall be filed by September 5, 2023; Staff shall file testimony by September 8, 2023; that the evidentiary hearing will commence on September 12, 2023, at 10:00 a.m., in Hearing Room 11-C, at the offices of the Commission, 180 East Broad Street, 11th Floor, Columbus, Ohio 43215 electronically filed by Ms. Donielle M. Hunter on behalf of Patricia A. Schabo, Administrative Law Judge, Ohio Power Siting Board.