

**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 :

In the Matter of the Application of the : Case No. 23-0543-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 :

MOTION OF AES OHIO TO CONSOLIDATE PROCEEDINGS

EXPEDITED RULING REQUESTED

Pursuant to Ohio Adm.Code 4901-1-02(A)(6), The Dayton Power and Light Company d/b/a AES Ohio (“AES Ohio” or the “Company”) moves to consolidate Case No. 23-0543-EL-UNC with Case Nos. 21-0588-EL-UNC and 22-0514-EL-UNC, the latter of which were consolidated for purposes of hearing by the April 18, 2023 Entry in those proceedings.

AES Ohio has filed a Stipulation and Recommendation to resolve these proceedings, which concern the administration of the annual significantly excessive earnings test of R.C. 4928.143(F) for calendar years 2020 (Case No. 21-0588-EL-UNC), 2021 (22-0514-EL-UNC), and 2022 (23-0543-EL-UNC). AES Ohio requests that the proceedings be consolidated for efficient and effective consideration of the Stipulation and Recommendation.

Pursuant to Ohio Adm.Code 4901-1-12(C), AES Ohio requests an expedited ruling on this Motion. AES Ohio circulated a draft copy of this Motion on August 16, 2023 to determine whether any party would object to the relief requested or expedited treatment. AES Ohio then circulated an updated draft copy of this Motion on August 18, 2023. AES Ohio certifies that as of the filing of this Motion, Staff and Ohio Energy Leadership Council have responded and do not oppose the Motion. The Office of the Ohio Consumers' Counsel, which has intervened in Case Nos. 21-0588-EL-UNC and 22-0514-EL-UNC, has not responded to AES Ohio.

Respectfully submitted,

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MEMORANDUM IN SUPPORT

On August 22, 2023, AES Ohio filed a Stipulation and Recommendation to resolve three pending proceedings before the Commission regarding administration of the annual significantly excessive earnings test of R.C. 4928.143(F): Case No. 21-0588-EL-UNC (calendar year 2020), 22-0514-EL-UNC (calendar year 2021), and 23-0543-EL-UNC (calendar year 2022). The Stipulation and Recommendation is joined by Staff and Ohio Energy Leadership Council.

The Commission previously consolidated Case Nos. 21-0588-EL-UNC and 22-0514-EL-UNC for purposes of hearing by Entry issued April 18, 2023 in those proceedings. In the interest of administrative economy, including efficient and effective consideration of the Stipulation and Recommendation, AES Ohio moves to consolidate Case No. 23-0543-EL-UNC with those proceedings.

Respectfully submitted,

/s/ Christopher C. Hollon

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CERTIFICATE OF SERVICE

I certify that the foregoing document was e-filed with the Public Utilities Commission of Ohio on August 22, 2023. The PUCO's e-filing system will electronically serve notice of the filing of this document on the following parties:

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Case No(s). 21-0588-EL-UNC, 22-0514-EL-UNC, 23-0543-EL-UNC

Summary: Motion Motion of AES Ohio to Consolidate Proceedings *Expedited
Ruling Requested* electronically filed by Mr. Christopher C. Hollon on behalf of The
Dayton Power and Light Company d/b/a AES Ohio.