

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Regulation of)
the Electric Fuel Component Con-)
tained within the Rate Schedules) Case No. 85-07-EL-EFC
of The Dayton Power and Light)
Company.)

ENTRY

The attorney examiner, pursuant to the authority granted by Rule 4901-1-14, Ohio Administrative Code, makes the following findings:

- 1) On July 23, 1985 the Office of Consumers' Counsel (OCC) filed a motion for an order to compel The Dayton Power and Light Company (DP&L or the company) to respond to certain interrogatories and requests for the production of documents which it had served upon the company on May 28, 1985. Specifically, the motion covers interrogatory numbers 1, 2, 4, 9, 10(A-E) and (G), 13, 14, 15, 16; and requests for production of document numbers 2, 6, 7, 8, 9, 10, 11, and 15.
- 2) On July 30, 1985 DP&L filed its response to CCC's motion to compel wherein it asserts that it has fully answered all questions relevant to this proceeding and has properly objected to providing information for periods outside the audit period.
- 3) Based upon an examination of the pleadings it is clear that the major point of controversy between the parties is the relevance and discoverability of data related to the state-wide power pooling feasibility study currently being conducted for the Commission by Stone & Webster Management Consultants, Inc. (Stone & Webster). The Commission has directed that the Segment I feasibility report be filed in each company's EFC hearing. However, in its entry of May 29, 1985 in Case Nos. 85-01-EL-EFC, et al., the Commission indicated it did not intend to draw any final conclusions concerning the Stone & Webster report in the upcoming individual EFC proceedings and it would decide later if a hearing on the Segment I report was required. This examiner therefore concludes that the report is being submitted in the case for informational purposes only and that power pooling feasibility will not be an issue in this proceeding. Accordingly, discovery requests relating to the study are not appropriate in this proceeding based upon a lack of relevance.
- 4) With regard to the specific interrogatories and data requests the attorney examiner finds as follows:
 - a) Interrogatory Nos. 1 and 2 seek the names and qualifications of the person or persons most knowledgeable with regard to the company system dispatch operations and their qualifications. The company answered that they have many

9-3-85

- knowledgeable persons and the question is not relevant since they have not decided who their system dispatch witness will be at the hearing in this case. The attorney examiner finds these answers unacceptable and evasive. The information is relevant to this proceeding and the company is directed to provide an appropriate answer to these questions.
- b) Interrogatory No. 4 seeks the maker of communication equipment utilized in system dispatch. The company's response was "various". The attorney examiner finds the response evasive. The company shall provide an appropriate answer to this question.
- c) Interrogatory No. 9 seeks minimum loading levels for each of the company's generating units during 1984. The company refused to answer for the portion of the year prior to September 1, 1984 since that time was outside the audit period. For the remaining period it stated loads "varied depending on conditions, but the units could generally operate down to 40% of minimum rating". The attorney examiner finds the company need not answer this question for the period outside the audit. The answer for the remaining period is not responsive to the interrogatories. The company should provide the specific data requested for each generating unit.
- d) Interrogatory Nos. 10(A)-(E) and (G) seek heat rates, outages and related data for generating units in 1984. Interrogatory Nos. 13 and 14 seek information on occurrences where the company did not operate under economic dispatch in 1984. The company objects to providing data outside the audit period. The attorney examiner finds the objection well made and will not order the company to provide data outside the audit period. The examiner notes the company has answered each question for the portion of 1984 within the audit period.
- e) Interrogatory Nos. 15 and 16 seek the identify of company personnel interviewed by Stone & Webster for the state-wide power pooling study. The company objects that the information sought is irrelevant to the present proceeding. The attorney examiner finds the objection well made and will not order

the company to provide this information.

- f) Request for Production of Documents No. 2 seeks hourly load data for each day of 1984. The company objected to providing data for the period prior to September 1, 1984 since this was prior to the audit period. It indicated the data for the remaining portion of 1984 would be made available upon prior arrangement with DP&L trial counsel. The attorney examiner finds the objection well made as to the period of 1984 prior to the audit. He also finds the response as to the remaining period appropriate.
 - g) Requests for Production of Documents Nos. 6, 7, 8 and 9, seek copies of data requests and responses thereto, submitted to the company by Stone & Webster or the Commission staff. The company objects that the data relates to power pooling and is not relevant to this proceeding. The attorney examiner finds the requests are not specifically limited to data involving power pooling. Accordingly, to the extent the documents requested relate to matters other than power pooling and cover dates within the audit period they are relevant and discoverable. The company is therefore ordered to provide such information.
 - h) Requests for production of Documents Nos. 10 and 11 seek load flow studies for 1983 and 1984. The company objects to providing any of the data because it relates to the power pooling study and is irrelevant in this proceeding. The attorney examiner finds this data for 1983 and that portion of 1984 prior to September 1, 1984 is not relevant to this proceeding. The data for the remaining portion of 1984 is relevant and shall be provided by the company.
 - i) Requests for production of documents Nos. 15 seeks a copy of any study regarding departure from system dispatch in 1984 identified in Interrogatory No. 14. Since the attorney examiner limited the scope of Interrogatory No. 14 to the audit period, and the company indicated in Interrogatory No. 13 that it operated under economic dispatch at all times within the audit period, OCC's request herein is moot.
- 5) OCC has requested that the company be directed to submit its responses within five days of

the entry ruling on the motion to compel. The company objects that this time period is unreasonable and requests 14 days to prepare any responses ordered. The attorney examiner believes 14 days is a reasonable amount of time to respond to this entry. He therefore directs the company to provide this information by September 17, 1985.

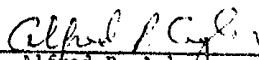
It is, therefore,

ORDERED, That the motion to compel filed by OCC is granted in part. It is, further,

ORDERED, That DP&L provide the data or answer the interrogatories to the extent set forth in Finding No. 4, herein, by September 17, 1985. It is, further,

ORDERED, That a copy of this entry be served upon all parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO



By: Alfred P. Agler
Attorney Examiner

;via
HLL
by SMH

Entered in the Journal

03 SEP 1985

A True Copy

: 
Mary Ann Orlinski
Secretary