

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of )  
 The Dayton Power and Light Company )  
 for the Creation of a Rate Stabilization ) Case No. 05-276-EL-AIR  
 Surcharge Rider and Distribution Rate )  
 Increase. )

ENTRY

The attorney examiner finds:

- (1) The Dayton Power & Light Company (DP&L) is a public utility as defined in Section 4905.02, Revised Code, and, as such, is subject to the jurisdiction of this Commission.
- (2) On March 1, 2005, DP&L filed a notice of intent to file an application for an increase in rates. Further, on March 23, 2005, the Commission issued an entry establishing the date certain and test period for DP&L's application. On April 4, 2005, DP&L filed its application to increase rates.
- (3) The Commission has caused an investigation to be made of the facts set forth in the rate increase application by the company, the exhibits attached thereto, and the matters connected with the application.
- (4) A written report of the staff's investigation was filed on August 26, 2005. Copies of the staff report were mailed to the company, the mayors of the municipal corporations affected by the application, and other persons deemed to be interested in the case.
- (5) Objections to the staff report should be filed in accordance with Section 4909.19, Revised Code, and Rule 4901-1-28(B), Ohio Administrative Code (O.A.C.), which requires that all objections must be specific. Any objection that is not specific enough to convey what is actually being placed at issue will be struck pursuant to the above-cited rule.

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- (6) Motions to strike objections shall be filed by October 3, 2005, and memoranda contra motions to strike objections shall be filed by October 10, 2005. Unless an objection is struck or withdrawn, each objection must be discussed in the initial post-hearing brief of the objecting party. If the objection is not discussed in the initial brief, the objection will, without further action, be deemed withdrawn.
- (7) Each party filing objections shall also file a brief summary of the issues it designates as major issues, in order of their importance, for purposes of the notice required by Section 4903.083, Revised Code.
- (8) A prehearing conference will be held on October 6, 2005, at 10:00 a.m., Hearing Room 11-B, at the offices of the Commission, 180 E. Broad Street, Columbus, Ohio 43215. The purpose of the conference will be to discuss procedural aspects of the case and to provide an opportunity for the parties to conduct settlement discussions.
- (9) The evidentiary hearing and the local public hearing will be scheduled, and publication of notice required, by subsequent entry.
- (10) Motions to intervene have been filed by Industrial Energy Users-Ohio, Ohio Partners for Affordable Energy, the Ohio Consumers' Counsel, and Cargill, Inc. Reasonable grounds for intervention have been stated, and the motions to intervene should be granted.
- (11) In addition, a motion for admission *pro hac vice* has been filed to admit David C. Rinebolt to practice before the Commission in this proceeding. The attorney examiner finds that the motion for admission *pro hac vice* should be granted.

It is, therefore,

ORDERED, That a prehearing conference be scheduled for October 6, 2005, at 10:00 a.m., Hearing Room 11-B, at the offices of the Commission. It is, further,

ORDERED, That objections to the staff report be filed in accordance with Section 4909.19, Revised Code. Further, motions to strike objections to the staff report shall be filed by October 3, 2005, and memoranda contra motions to strike objections shall be filed by October 10, 2005. It is, further,

ORDERED, That the motions to intervene filed in this proceeding by the Ohio Industrial Users-Ohio, Ohio Partners for Affordable Energy, the Ohio Consumers' Counsel, and Cargill, Inc. be granted. It is, further,

ORDERED, That the motion for admission *pro hac vice* of David C. Rinebolt be granted. It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO



By: Gregory A. Price  
Attorney Examiner

*1 ct/ma*

Entered in the Journal

SEP 1 2005



Renee J. Jenkins  
Secretary