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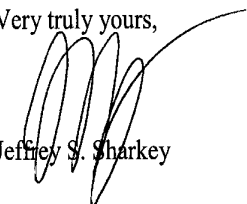
The Public Utilities Commission of Ohio
Docketing Division
180 E. Broad Street
10th Floor
Columbus, OH 43215

RE: In the Matter of the Application of The Dayton Power and
Light Company for the Creation of a Rate Stabilization
Surcharge Rider and Distribution Rate Increase

Dear Docketing Clerk:

Enclosed are an original and twelve copies of Applicant The Dayton Power and Light Company's Memorandum in Opposition to Motion to Strike Objections and Memorandum in Support of Ohio Partners for Affordable Energy. Please return one file-stamped copy of the document to me in the enclosed self-addressed, stamped envelope.

Very truly yours,


Jeffrey S. Sharkey

JSS/tes
Enclosures

cc: Jeffrey L. Small, Esq. (w/encl.; via U.S. Mail)
Samuel C. Randazzo, Esq. (w/encl.; via U.S. Mail)
David C. Rinebolt, Esq. (w/encl. via U.S. Mail)
Craig I. Smith, Esq. (w/encl.; via U.S. Mail)
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BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of : Case No. 05-276-EL-AIR
The Dayton Power And Light Company : :
for the Creation of A Rate Stabilization : Attorney Examiner: Gregory A. Price
Surcharge Rider and Distribution Rate : :
Increase : :

**APPLICANT THE DAYTON POWER AND LIGHT COMPANY' S
MEMORANDUM IN OPPOSITION TO MOTION TO STRIKE OBJECTIONS AND
MEMORANDUM IN SUPPORT OF OHIO PARTNERS FOR AFFORDABLE ENERGY**

I. INTRODUCTION AND SUMMARY

Ohio Partners for Affordable Energy ("OPAE") has moved under Ohio Admin. Code § 4901-1-28(B) to strike the objections to the Staff Report filed by The Dayton Power and Light Company ("DP&L"). Section 4901:1-28(B) permits the Commission to strike objections that are not "specific." OPAE, however, did not make any arguments regarding the specificity of DP&L's objections. Rather, OPAE attacked DP&L's objections on the merits. There is no procedural vehicle to attack objections to a Staff Report on the merits; OPAE is making arguments that it can make in post-hearing briefing but which are not a basis for striking an objection at this stage of the proceedings. OPAE's motion to strike should therefore be denied.

II. OPAE HAS NOT RAISED A SPECIFICITY OBJECTION

OPAE's motion was filed under Section 4901:1-28(B), of the Ohio Administrative Code, which states that "[a]ll objections must be specific, and objections which fail to meet this requirement may be stricken." Although OPAE has filed its motion under a section that permits non-specific objections to be stricken, nowhere in its motion does OPAE argue that DP&L's

objections are not sufficiently specific. Motion to Strike, pp. 3-6. Rather, OP&E argues that DP&L's objections should be stricken on the merits. Id.

Specifically, OP&E argues that DP&L's objections should be stricken for the following reasons:

DP&L Objection No. 4: OP&E asserts that SCR run cost should be valued at the cost to generate the electricity used to operate the SCRs, not at the market value of the lost generation. Id. at 3-4.

DP&L Objection No. 5: OP&E asserts that DP&L is not entitled to recover rate case expense because this "is not a rate case." Id. at 4-5.

DP&L Objection No. 6: OP&E asserts that a lead/lag study is the appropriate way to calculate DP&L's cash working capital. Id. at 5.

Those are all merits arguments, not arguments as to the specificity of DP&L's objections. There is no procedural vehicle to strike objections to the Staff Report on the merits. (If there were, DP&L would have filed a motion to strike all of OP&E's objections.) OP&E's motion to strike is an inappropriate attempt to resolve the merits of the disputes before a hearing, and should be denied on that basis.

DP&L will await post-hearing briefing to address the merits of OP&E's arguments. To the extent that the Commission decides to consider the merits now, DP&L requests that it be granted leave to file a supplemental memorandum directed at the merits. DP&L could file such a memorandum within three days of being granted leave.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Applicant The Dayton Power and Light Company's Memorandum in Opposition to Motion to Strike Objections and Memorandum in Support of Ohio Partners for Affordable Energy has been served via regular U.S. mail, postage prepaid, upon the following counsel of record, this 10th day of October, 2005:

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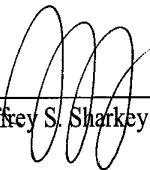
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