

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of The)
Dayton Power and Light Company to) Case No. 12-2881-EL-FAC
Establish a Fuel Rider.)

ENTRY

The Commission finds:

- (1) By Opinion and Order issued on June 24, 2009, the Commission approved a Stipulation and Recommendation (Stipulation) to establish an Electric Security Plan (ESP) for the Dayton Power and Light Company (DP&L). *In the Matter of the Application of The Dayton Power and Light Company For Approval of its Electric Security Plan, et al.* Case No. 08-1094-EL-SSO. The ESP provided for, among other things, the establishment of a fuel adjustment clause (FAC) mechanism, effective January 1, 2010, with annual audits of DP&L's 2010 and 2011 fuel costs and fuel management practices. Subsequently, in Case No. 09-1012-EL-FAC, an Order was issued providing for a like audit of 2012 fuel costs and fuel management practices.
- (2) On January 9, 2013, the Commission issued an Entry directing Staff to issue a request for proposal (RFP) for the audit services necessary to review and report on the management performance and financial aspects of DP&L's fuel costs and fuel management practices. Staff subsequently issued RFP No. U13-FPP-1. Prospective bidders were directed by the Commission to submit proposals to the Commission Staff by January 30, 2013. Bidders were directed to demonstrate their understanding of the project and the work required by showing a clear understanding of the tasks to be completed, the experience and qualifications of the personnel who will perform the work, and the anticipated breakdown of costs and timing.
- (3) The proposals received in response to RFP No. U13-FPP-1 have been evaluated and, after consideration of those proposals, the Commission selects Energy Ventures Analysis, Inc. (Energy Ventures). The Commission finds that Energy Ventures has the necessary experience to complete the required work.

- (4) DP&L shall enter into a contract with Energy Ventures by March 13, 2013, for the purpose of providing payment for its auditing services. The contract shall incorporate the terms and conditions of the RFP, the auditor's proposal, and relevant Commission entries in this case.
- (5) Energy Ventures shall submit its draft audit report to Staff by May 30, 2013, and shall file its final audit report by June 14, 2013. Any conclusions, results, or recommendations formulated by Energy Ventures may be examined by any participant to the proceeding for which the audit report was generated.
- (6) Energy Ventures will execute its duties pursuant to the Commission's statutory authority to investigate and acquire records, contracts, reports, and other documentation under Sections 4903.02, 4903.03, 4905.06, 4905.15, and 4905.16, Revised Code. Energy Ventures is subject to the Commission's statutory duty under Section 4901.16, Revised Code, which provides:

Except in his report to the public utilities commission or when called on to testify in any court or proceeding of the public utilities commission, no employee or agent referred to in section 4905.13 of the Revised Code shall divulge any information acquired by him in respect to the transaction, property, or business of any public utility, while acting or claiming to act as such employee or agent. Whoever violates this section shall be disqualified from acting as agent, or acting in any other capacity under the appointment or employment of the commission.
- (7) Upon request of Energy Ventures or Staff, DP&L shall provide any and all documents or information requested. DP&L may conspicuously mark such documents or information "confidential" if DP&L believes the document should be deemed as such. In no event, however, shall DP&L refuse or delay in providing such documents or information.

Once disclosure is permitted by Section 4901.16, Revised Code, the following process applies to the release of any document or information marked as confidential. Three days' prior notice of intent to disclose shall be provided to the party claiming confidentiality. Three days after such notice, Staff or Energy

Ventures may disclose or otherwise make use of such documents or information for any lawful purpose, unless the Commission receives a request for a protective order pertaining to such documents or information within the three-day notice period. The three-day notice period will be computed according to Rule 4901-1-07, Ohio Administrative Code.

- (8) Energy Ventures shall perform its audit and investigation as an independent contractor. Any conclusions, results, or recommendations formulated by Energy Ventures may be examined by any participant to this proceeding. Further, it shall be understood that the Commission and/or its Staff shall not be liable for any acts committed by Energy Ventures or its agents in the preparation and presentation of the report.

It is, therefore,

ORDERED, That Energy Ventures is hereby selected to perform the consulting activities set forth above. It is, further,

ORDERED, That the audit of DP&L be conducted in accordance with the provisions of RFP No. U13-FPP-1 and the findings of this Entry. It is, further,

ORDERED, That DP&L and Energy Ventures shall observe the requirements set forth in this Entry. It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

Todd A. Snitchler, Chairman

Steven D. Lesser
Steven D. Lesser

Andre T. Porter
Andre T. Porter

Lynn Slaby
Lynn Slaby

HW\jd

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FEB 13 2013

Barcy F. McNeal

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Secretary