The Dayton Power and Light Company ("DP&L") hereby moves the Federal Energy Regulatory Commission ("FERC" or the "Commission"), pursuant to Rule 212 of the Commission’s Regulations, to grant leave to Supplement DP&L’s February 24, 2020, Application to establish incentive rate treatment within its currently effective transmission formula rates, which are part of the PJM Interconnection, L.L.C., ("PJM") Open Access Transmission Tariff ("OATT").\(^1\) The Supplement is in the form of an unchanged eTariff page (OATT Attachment H-15 “Annual Transmission Rates – The Dayton Power and Light Company for Network Integration Transmission Service”). The purpose of the Supplement is to establish a statutory effective date with respect to the Application in Docket No. ER20-1068-000 and an eTariff record that will conform with the clarifications and direction provided by the

\(^1\) Pursuant to Order No. 714, this filing is being submitted by PJM Interconnection L.L.C. ("PJM") on behalf of DP&L as part of an XML filing package that conforms with the Commission’s regulations. PJM has agreed to make all filings on behalf of the PJM Transmission Owners in order to retain administrative control over the PJM Tariff. Thus, DP&L has requested that PJM submit this unchanged PJM Tariff Attachment H-15 in the eTariff system as part of PJM’s electronic Intra PJM Tariff.
Commission’s June 3, 2020 “Notice of Procedures for Making Statutory Filings When Authorization for New or Revised Tariff Provisions Is Not Required.” (“June 3 Notice of Procedures”) 2 Because the internal mechanisms of the eTariff system result in a new docket number being assigned, DP&L further moves that this newly docketed proceeding be consolidated with Docket No. ER20-1068-000.

I. PROCEDURAL BACKGROUND AND DESCRIPTION OF FILING.

On February 24, 2020, filed an Application in Docket No. ER20-1068-000 (the “Incentive Rate Application”) seeking incentive transmission rates that would be implemented as of the effective date of a formula transmission rate that DP&L was in the process of developing for filing. The incentives requested were: 1) a 50 basis point adjustment in Return on Equity to reflect DP&L’s joining and continued membership in PJM; 2) Construction Work in Progress to be reflected in rates with respect to and only with respect to a set of specifically designated and described projects; and 3) cost recovery of prudently incurred costs for transmission projects that are abandoned for reasons beyond DP&L’s control, subject to a future proceeding in which DP&L would establish that the costs were prudently incurred and the abandonment was for reasons outside of DP&L’s control.

DP&L requested an effective date for the approvals sought in the Incentive Rate Application that would be synchronized with the effective date of a planned formula transmission rate filing.

DP&L requests that the transmission incentives be implemented contemporaneously with the effective date that will be established by the Commission in its review of the transmission formula rate filing that DP&L plans to file under FPA section 205 in March 2020. 3

2 Electronic Tariff Filings, Docket No. RM01-5-000 (June 3, 2020).
3 The Dayton Power and Light Company, Incentive Rate Application at 2 (Docket No. ER20-1068-000).
At the time of the filing, DP&L’s belief was that this was a Federal Power Act section 205 filing that could be made through the eLibrary system because there were no tariff sheets that needed to be filed as part of the Incentive Rate proceeding, but that, instead, these incentives would be included within “placeholders” in the tariff sheets that would be filed in the upcoming formula transmission rate case.

On March 3, 2020, PJM, as administrator of its OATT, filed on DP&L’s behalf and via the eTariff system an Application in Docket No. ER20-1150-000 (the “Formula Rate Application”) to transition from DP&L’s then-effective stated transmission rate to a formula transmission rate. The proposed tariff sheets included the 50 basis point adjustment for PJM participation and placeholders for the CWIP and abandonment incentives. After reviewing protests and subsequently filed pleadings that were considered by the Commission, the Commission issued an order on May 1, 2020, that established May 3, 2020, as the effective date for the transmission formula rate filing, subject to refund and further proceedings.4

No initial order has been issued with respect to the Incentive Rate Application.

On June 3, 2020, in its June 3 Notice of Procedures, the Commission provided additional guidance to how applicants should make filings under FPA section 205 where there is no need for a new or revised tariff page. Of note, the Commission described certain circumstances of when this circumstance may arise including where an applicant was seeking approval of recovery of an abandonment costs through a transmission formula rate.

The Commission’s June 3 Notice of Procedures provides that:

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4 PJM Interconnection, L.L.C. and The Dayton Power and Light Company, Order Accepting and Suspending Proposed Tariff Revisions and Establishing Hearing and Settlement Judge Procedures at Ordering Paragraph (A) , Docket 171 FERC ¶61,087 (May 1, 2020), Docket No. ER20-1150-000.
To make a statutory filing in circumstances where the filer has no need to change the text of the tariff record, the filer must make the filing through eTariff and include at least one actual tariff record (i.e., a “live” tariff record, not a pro forma tariff record) with a proposed effective date. The actual tariff record should be an exact duplicate of an existing tariff record, but with a proposed effective date that would be the proposed effective date for the new filing.5

In conformance with the guidance of the June 3 Notice of Procedures, this Supplement to the February 24, 2020 Incentive Rate Application is made via the eTariff system and includes the unchanged “live” tariff sheets for PJM OATT, Attachment H-15. These are the two introductory pages to DP&L’s transmission rates that reference the formula rate and protocols that are collected in Attachments H-15A and H-15B.

The use of a single unchanged tariff sheet that relates to the filing being made in order to ensure recognition of a filing as statutorily submitted was specifically recognized by the Commission in its June 3 Notice of Procedures.6

II. STATUTORY EFFECTIVE DATE.

DP&L is requesting that the Commission establish one of three potential statutory effective dates.

DP&L’s preferred effective date is as set forth in its February 24, 2020, Incentive Rate Application, i.e., a date synchronized with the May 3, 2020 effective date of its proposed formula transmission rate that was filed in eTariff and has been made effective subject to refund and further proceedings. DP&L recognizes that if the Commission is unable at this time to issue a final order authorizing the requested incentives in the Incentive Rate Application, an order

5 June 3 Notice of Procedure at 3-4.
6 June 3 Notice of Procedures, supra, at fn. 10 (“See, e.g., Transmittal Letter, at 9, GridLiance W. LLC, Docket No. ER19-191-000 (filed Oct. 25, 2018) (‘The instant Application does not necessitate any change to GridLiance West’s tariff. However, to ensure this Application is appropriately recognized as statutory submitted pursuant to section 205, GridLiance West includes an unrevised tariff record of the cover sheet to its Transmission Owner Tariff.’).”
establishing a May 3, 2020, effective date for the incentives would be subject to refund and further proceedings.

This May 3, 2020, is more than 60 days after the Incentive Rate Application was filed on February 24, 2020. And there is no harm to any party in this docket from a May 3, 2020, effective date because: 1) the 50 basis point adjustment for membership in PJM is reflected in the formula rates made effective on May 3, 2020, subject to refund in the transmission formula rate proceeding, Docket No. 20-1150-000; and 2) the CWIP incentive is reflected in the rates made effective on May 3, 2020, subject to refund in the transmission formula rate proceeding, Docket No. ER20-1150-000 and, moreover, this incentive does not affect overall charges, merely the timing of those charges;7 and 3) the abandonment incentive does not authorize recovery of any costs unless and until a project is actually abandoned and there is a subsequent proceeding that finds the costs were prudently incurred and the abandonment occurred beyond the control of the applicant.8

As an alternative effective date, DP&L requests that the Commission exercise its discretion and issue an order establishing an effective date one day after this filing. Again, if the Commission is not able to issue a substantive order authorizing the incentives, DP&L recognizes that the order would establish an effective date subject to refund and further proceedings.

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7 The Commission has correctly found that this incentive does not change the level of cost recovery, but instead will “only change the timing of the cost recovery.” Promoting Transmission Investment Through Pricing Reform, Order No. 679, FERC Stats. & Regs. 31,222 (2006); order on reh’g, Order No. 679-A, 117 FERC ¶ 61,345 at P 38 (2006).

8 See, e.g., United Illuminating Co., 167 FERC ¶ 61,126 at P 42 (2019). DP&L also notes and represents that it has not abandoned any transmission projects and has not as yet incurred any abandonment costs that would be recoverable under this incentive.
DP&L respectfully submits that the equities here support a one-day suspension (if the preferred May 3, 2020, effective date is not established by the Commission). The only reason that there has been no explicit effective date established in this proceeding to date is the peculiar and nearly unique circumstance presented here where a transmission owner who is transitioning from a stated transmission rate to a formula transmission rate is also seeking, for the first time, transmission incentives under Section 1241 of the Energy Policy Act of 2005 (“EPAct 2005”) (adding Section 219 of the FPA), and Order No. 679. Given the time elapsed, a one-day suspension period would mean an effective date that is still about 5 months after the initial filing date of February 24, 2020.

DP&L urges the Commission to consider the requested May 3, 2020, effective date or an effective date one day after filing in the particular context presented here. There has been a complete FPA section 205 filing made with a requested effective date more than 61 days later; all adverse and responsive pleadings were made prior to requested effective date; and the one missing element – an eTariff submission – has no substantive effects on parties or customers but is an administrative tool used by the Commission to track rate case filings. The June 3 Notice of Procedures has clarified that if DP&L had filed an unchanged eTariff page along with the rest of the filing, the Commission would have either allowed the proposal to go into effect automatically May 3, 2020, or, far more likely, would have permitted it to go into effect May 3, 2020, subject to refund and further proceedings.

In light of the above context, DP&L requests that the Commission view this Supplemental filing as similar to a compliance filing, which DP&L is filing in response to the

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June 3 Notice of Procedures. The Commission has great discretion over the effective date for a compliance filing and the effective date often relates back to a prior filing or order.10

As the last and least preferable alternative, DP&L requests an effective date that is 61 days after the filing of this Supplement via the eTariff system.

III. MOTION TO SUPPLEMENT.

DP&L is not modifying in any substantive way its February 24, 2020 Incentive Rate Application. It is merely filing unchanged tariff sheets via the eTariff system so as to obtain a statutory effective date pursuant to the guidance provided by the Commission’s June 3, 2020 Notice of Procedures for Making Statutory Filings when Authorization for New or Revised Tariff Provisions is Not Required.

Granting the motion to supplement and accepting this supplement via the eTariff system will also preserve the Commission’s resources and those of the parties in Docket No. ER20-1068-000. The substantive issues in this Docket have already been fully addressed by protestors and commenters and responded to by DP&L. The substantive issues are therefore ready for decision by the Commission. It would be wasteful of the parties’ and the Commission’s resources if this filing were treated as a new proceeding triggering new rounds of pleadings.

IV. MOTION TO CONSOLIDATE

DP&L moves to consolidate this newly docketed proceeding and Docket No. ER20-1068-000 because the issues of law and fact are identical. Literally, the only change being made here is the filing of tariff sheet via the eTariff system so as to establish a statutory effective date

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for the Application filed in Docket No. ER20-1068-000. There are no new facts being introduced and the legal issues relating to when and under what circumstances transmission incentive rates will be authorized are identical in both dockets. The Commission very recently consolidated proceedings involving Southern California Edison Company, where a Cancellation Filing made earlier was resubmitted via the eTariff system so as to establish a statutory effective date. The same treatment should be accorded here. With common issues of law and fact, the Commission should consolidate the proceedings for administrative efficiency reasons.

V. CONTENTS OF FILING

This filing consists of the following documents:

1) The instant Motion to Supplement and Establish a Statutory Effective Date

2) Unchanged tariff sheets: PJM OATT Attachment H-15. There is no red-line tariff sheet because no changes are proposed.

3) Certificate of Service

VI. PERSONS SERVED

PJM has served a copy of this filing on all PJM Members and on all state utility regulatory commissions in the PJM Region by posting this filing electronically. In accordance with the Commission’s regulations, PJM will post a copy of this filing to the FERC filings section of its internet site, located at the following link: http://www.pjm.com/documents/ferc-manuals/fercfilings.aspx with a specific link to the newly filed document, and will send an e-mail on the same date as this filing to all PJM Members and all state utility regulatory commissions in

11 Southern California Edison Company, (multiple dockets), 171 FERC ¶61,192 at PP 15-16 (June 2, 2020).
12 See, e.g., Cities of Anaheim v. Trans Bay Cable L.L.C., 146 FERC ¶ 61,100 at P 19 n.19 (2014)(“The Commission will consolidate proceedings where there are common issues of law and fact or if greater administrative efficiency will result from consolidation.”).
13 See 18 C.F.R. §§ 35.2(e), 385.2010(f)(3).
the PJM Region alerting them that this filing has been made by PJM and is available by following such link. If the document is not immediately available by using the referenced link, the documents will be available through the referenced link within 24 hours of the filing. Also, a copy of this filing will be available on the Commission’s eLibrary website located at the following link: http://www.ferc.gov/docs-filing/elibrary.asp in accordance with the Commission’s regulations and Order No. 714.

VII. CONCLUSION

WHEREFORE, for the foregoing reasons, DP&L respectfully requests that the Commission issue an order granting leave to supplement DP&L’s February 24, 2020 Application, accept this supplemental filing, consolidate this proceeding with Docket No. ER20-1068-000, and establish a statutory effective date for the transmission rate incentives requested in the consolidated proceeding

Respectfully submitted,

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Dated: June 18, 2020

14 PJM already maintains, updates and regularly uses e-mail lists for all PJM Members and affected state commissions.
ATTACHMENT H-15

Annual Transmission Rates -- The Dayton Power and Light Company
For Network Integration Transmission Service

1. The Annual Transmission Revenue Requirement ("ATRR") and Rate for Network Integration Transmission Service are derived pursuant to the formula rate shown in Attachment H-15A ("Formula Rate"), which is posted on the PJM website (www.PJM.com), and which reflects the revenue requirement of The Dayton Power and Light Company ("DP&L") associated with providing transmission service over DP&L’s transmission facilities within PJM. The ATRR and Rate for Network Integration Transmission Service ("NITS") determined pursuant to Attachment H-15A shall be implemented pursuant to the Formula Rate Implementation Protocols set forth in Attachment H-15B. For Network Customer deliveries using facilities other than transmission facilities, additional charges for use of such facilities shall be applied at rates shown in Section 5 below.

2. The Formula Rate in Section 1 shall be effective until amended by DP&L or modified by the Commission. No filing by a Transmission Owner with respect to its revenue requirement or rate shall be deemed a basis for examining the revenue requirement or rate (or methodology for determining the revenue requirement or rate) of any other Transmission Owner within the Zone.

3. In addition to the ATRR derived pursuant to the Formula Rate as set forth in Section 1 of this Attachment H-15, the Network Customer purchasing NITS shall pay for transmission congestion charges, in accordance with the provisions of the Tariff, and any amounts necessary to reimburse DP&L for any amounts payable by the Network Customer as sales, excise, “Btu,” carbon, value-added or similar taxes or charges (other than taxes based upon or measured by net income) with respect to the amounts payable pursuant to the Tariff.

4. Within the Dayton Zone, unless otherwise specified in a methodology consistently applied to load serving entities providing service to retail customers within Dayton’s state-approved service territory, a Network Customer's peak load shall be adjusted to include transmission losses equal to 3.0% of energy received for transmission, as well as any applicable distribution losses, as reflected in applicable state tariffs or service agreements that contain specific distribution loss factors for said Network Customer. Notwithstanding section 15.7 of the Tariff, the transmission loss factor of 3.0% also shall apply to point-to-point transmission service with a point of delivery in the Dayton Zone.

5. a. Unless otherwise specified in a service agreement that is in effect and on file with the Commission, in addition to the rates and charges set forth and adjusted as provided in paragraphs 1-4 above, a Network Customer receiving service utilizing facilities at voltages below 69 kV shall pay a “Wholesale Distribution Charge” comprised of a
monthly demand charge per kilowatt (as stated below) multiplied by the Network Customer’s contribution (in kilowatts) to the PJM Network Integration Transmission Service coincident peak load for the Dayton Zone and excluding any metered peak load received at receipt points operating at 69 kV or above.

b. The monthly demand charge shall be as follows:

$1.32 per kW for Network Customers served through interconnection facilities operating at 12 kV, which include: the Village of Arcanum, the Village of Eldorado, the Village of Lakeview, the Village of Mendon, and the Village of Yellow Springs.

$0.82 per kW for Network Customers served through interconnection facilities operating at 33 kV, which includes: the Village of Waynesfield.

c. Buckeye Power, Inc. and its members that are served through interconnection facilities operating below 69 kV are not subject to the Wholesale Distribution Charge set forth in this paragraph 5 because their wholesale distribution charges are specified in a service agreement that is in effect and on file with the Commission. Any modifications to such charges or any future applicability of a Wholesale Distribution Charge to Buckeye Power, Inc. or its members shall be effective only if made and approved by the Commission as the result of filings made in conformance with the provisions of a settlement approved by the Commission in Docket Nos. ER15-33-000, et al.

d. Any Network Customer not identified in paragraphs 5.b or 5.c who seeks wholesale distribution service from The Dayton Power and Light Company through interconnection facilities operating at below 69 kV shall pay a Wholesale Distribution Charge as set forth above based on the voltage level of the interconnection facilities.
CERTIFICATE OF SERVICE

I hereby certify that I have this day, June 18, 2020, served via e-mail or by first-class mail, a copy of the foregoing on each party on the official service list compiled by the Secretary in this proceeding.

On behalf of The AES Corporation

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