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February 5, 2009

VIA FEDERAL EXPRESS

Public Utilities Commission of Ohio
Attention: Renee Jenkins
Docketing Division
180 E. Broad Street, 10th Floor
Columbus, OH 43215

RE: DP&L ESP Filing, Case No. 08-1094-EL-SSO

Dear Ms. Jenkins:

Enclosed are: (1) fourteen (14) copies of The Dayton Power and Light's Notice of Filing Depositions; and (2) deposition transcripts of:

- a. Gonzalez, Wilson
- b. Ibrahim, Amr A.
- c. Duann, Daniel J.
- d. Yankel, Anthony J. ✓
- e. McClelland, Barry E.
- f. Pullins, Steven W.
- g. Fein, David I.
- h. Woolridge, J. Randall
- i. Bowser, Joseph G.
- j. Sawmiller, Daniel J.
- k. Murray, Kevin M.
- l. Dickstein, Shelley J. (awaiting transcript)
- m. Frye, Mark R. (awaiting transcript)
- n. Higgins, Kevin C. (awaiting transcript)

Very truly yours,

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BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the :
 Application of The Dayton :
 Power and Light Company : Case No. 08-1094-EL-SSO
 for Approval of Its :
 Electric Security Plan. :

In the Matter of the :
 Application of The Dayton :
 Power and Light Company : Case No. 08-1095-EL-ATA
 for Approval of Revised :
 Tariffs. :

In the Matter of the :
 Application of The Dayton :
 Power and Light Company :
 for Approval of Certain : Case No. 08-1096-EL-AAM
 Accounting Authority :
 Pursuant to Ohio Rev. :
 Code §4905.13. :

In the Matter of the :
 Application of The Dayton :
 Power and Light Company : Case No. 08-1097-EL-UNC
 for Approval of Its :
 Amended Corporate :
 Separation Plan. :

DEPOSITION

of Anthony J. Yankel, taken before me, Karen Sue
 Gibson, a Notary Public in and for the State of Ohio,
 at the offices of Janine L. Migden-Ostrander, Ohio
 Consumers' Counsel, 10 West Broad Street, Suite 1800,
 Columbus, Ohio, on Monday, February 2, 2009, at 1:30
 p.m.

<p style="text-align: right;">Page 2</p> <p>1 APPEARANCES: 2 Faruki, Ireland & Cox, P.L.L. 3 By Mr. Jeffrey S. Sharkey 4 500 Courthouse Plaza, SW 5 10 North Ludlow Street 6 Dayton, Ohio 45402 7 On behalf of the Applicant. 8 Janine L. Migden-Ostrander, 9 Ohio Consumers' Counsel 10 By Ms. Jacqueline L. Roberts 11 and Mr. Chris Allwein 12 10 West Broad Street, Suite 1800 13 Columbus, Ohio 43215 14 15 On behalf of the Residential Consumers of 16 The Dayton Power and Light. 17 --- 18 19 20 21 22 23 24</p>	<p style="text-align: right;">Page 5</p> <p>1 bit of telephone, very little. I testify here in 2 Ohio, out west, work mostly for consumer offices, 3 occasionally work for industrial customers, schools, 4 do a lot of work for farming customers. 5 Q. Okay. How many times have you testified 6 before for OCC? 7 A. I don't know. I would venture I've filed 8 testimony in 30 to 40 cases. 9 Q. Okay. And I believe you filed testimony 10 in a number of ESP cases? 11 A. The most recent round of cases, yes, I 12 believe, would have been the equivalent to four. 13 Q. And in terms of your prior testimony on 14 behalf of OCC, can you describe generally the nature 15 of the matters you have offered testimony for? 16 A. Probably easier to do what I have not 17 done which would be I don't do rate of return, 18 although I do some accounting, not generally an 19 accounting-type witness, there may be one or two 20 isolated issues, but I have done forecasting a long 21 time ago. Rate design primarily -- is primarily what 22 I have done for the OCC. 23 Q. And when you say you have done rate 24 design, what does that mean?</p>
<p style="text-align: right;">Page 3</p> <p>1 Monday Afternoon Session, 2 February 2, 2009. 3 --- 4 STIPULATIONS 5 It is stipulated by and among counsel for the 6 respective parties that the deposition of Anthony J. 7 Yankel, a witness called by the Applicant under the 8 applicable Rules of Civil Procedure, may be reduced 9 to writing in stenotypy by the Notary, whose notes 10 thereafter may be transcribed out of the presence of 11 the witness; and that proof of the official character 12 and qualification of the Notary is waived. 13 --- 14 15 16 17 18 19 20 21 22 23 24</p>	<p style="text-align: right;">Page 6</p> <p>1 A. Generally would include two things, one 2 would be cost of service, reviewing cost of service 3 studies, how costs are assigned to customers -- 4 excuse me, to customer groups and then rate design 5 itself which would be the design of the tariff rate 6 as to how rates would be collected from individual 7 customers. 8 Q. Okay. Regarding the assignment of 9 particular costs to retail customers or to other 10 entities, can you describe in more detail what work 11 you have done for OCC in that area? 12 A. I've done -- I am assuming I have done 13 some jurisdictional work, and when I say I assume, I 14 can't think of any case where I have had to do that. 15 I do that elsewhere, but the OCC probably not too 16 much just because there aren't a lot of 17 nonjurisdictional issues. There are 18 nonjurisdictional issues. There are usually not that 19 many. And then I look at rate design either on the 20 gas side or electric side, looking at cost of service 21 studies, looking at demand allocation factors, usage, 22 energy allocation factors, customer costs allocation 23 factors, going through the uniform system of accounts 24 trying to determine who should pay what portion of</p>
<p style="text-align: right;">Page 4</p> <p>1 ANTHONY J. YANKEL 2 being by me first duly sworn, as hereinafter 3 certified, deposes and says as follows: 4 EXAMINATION 5 By Mr. Sharkey: 6 Q. Mr. Yankel, as you know, my name is Jeff 7 Sharkey, and I represent the Dayton Power and Light 8 Company in this matter. To begin with can you please 9 state your full legal name for the record. 10 A. Anthony John Yankel, Y-A-N-K-E-L. 11 Q. I assume you have been deposed before, 12 Mr. Yankel? 13 A. Yes, I have. 14 Q. So you know the drill. 15 A. Yes, I do. 16 Q. Okay. You currently operate your own 17 business called Yankel & Associates? 18 A. Yes. 19 Q. And you have done that since about 1980? 20 A. Yes. 21 Q. And can you describe generally the nature 22 of Yankel & Associates' business. 23 A. Generally deal with electric and gas, 24 natural gas, regulatory issues, in the past a little</p>	<p style="text-align: right;">Page 7</p> <p>1 each one of those. 2 Q. Okay. Can you identify any specific 3 cases in Ohio in which you have testified regarding 4 allocation of costs among customer groups of a 5 utility? 6 A. I can't specifically remember, but I 7 think in some of the ESP cases I have done a little 8 bit of that, but prior to that the most recent case I 9 was involved in which would have been the Duke gas 10 case of about a year ago. I certainly did that. 11 Prior to that I have not worked for the OCC I am 12 going to guess for eight years. 13 Q. Okay. 14 A. So there is a large gap there but there 15 were certainly -- FirstEnergy, may have been called 16 CInergy at the time, I get the name changes confused, 17 but the people didn't too much, cases that I have 18 been involved in, probably the last AEP case which I 19 think may have been '92, '94 time frame. A lot of 20 Columbia Gas cases, there are a series of Columbia 21 Gas cases which I was involved up until they kind of 22 stopped doing Columbia Gas cases so. 23 Q. And all of those cases addressed 24 allocation of costs to retail customers?</p>

<p style="text-align: right;">Page 8</p> <p>1 A. Yes. 2 Q. And you specifically did. 3 A. Yes. 4 Q. And I believe you may have mentioned you 5 did work on that topic outside of Ohio. 6 A. Yes. 7 Q. Can you explain to me instances in which 8 you have done that? 9 A. Same work out in Idaho, I do that for 10 farming customers. That's on the electric side. On 11 the -- also in Utah for the Consumers' Counsel in 12 Utah. I do it on the electric side and on the gas 13 side. I have done that again slightly different on 14 the gas side sometimes just because it's -- as 15 opposed to a category meaning residential versus 16 commercial or something of that nature. There is 17 usually like a small gas user which would include 18 residential/commercial as one but still looking at 19 different rate schedules in doing allocation between 20 rate schedules. 21 Q. Okay. What did you review to prepare 22 your testimony in this matter? 23 A. To one degree or another I read the 24 entire filing of the company. Obviously some stuff I</p>	<p style="text-align: right;">Page 11</p> <p>1 it seemed like there was some from the industrial 2 consumers' requests, from the industrial consumers' 3 responses, all of the company. 4 Q. Okay. Do you remember any specific ones 5 that you reviewed? I am not asking by number but by 6 topic. 7 A. Actually I know number a little bit 8 better, but it seemed like in the late 200 series for 9 the OCC. It was the area that I seemed to look at 10 the most. 11 Q. Okay. 12 A. Don't ask me why I remember the number 13 versus but it sort of had to do with the topic too. 14 Q. Do you remember what the topic was of 15 those? 16 A. Stuff dealing with my issues and I think 17 they were questions I may have sent in. 18 Q. Okay. Anything else? 19 A. Not that I can think of at this time. 20 Q. Okay. You understand that DP&L Witness 21 Marrinan proposes that DP&L be permitted to defer 22 fuel, fuel-related, and purchased power costs that 23 are identified in seven FERC accounts? 24 A. Generally speaking, yes.</p>
<p style="text-align: right;">Page 9</p> <p>1 read a little quicker than others. I probably read 2 everyone's testimony in both what was called Book I 3 and Book II and Book III. The exhibits again was 4 probably a little more hit and miss as far as what I 5 had done so that's a pile about 6 inches thick. 6 Reviewed just some other things hit and miss and when 7 I say hit and miss, I can't think of exactly what 8 they are. I know I certainly reviewed some stuff 9 from AEP that I brought in in the AEP case I was 10 involved in but primarily the company's filing. 11 Q. Did you review any prior stipulations 12 that the company had entered? 13 A. Unless they were contained in the filing 14 I don't recall. 15 Q. Do you recall reviewing any PUCO orders 16 from past company cases? 17 A. Yes. And I can't say specifically but 18 they were in the last several years during the -- 19 probably around something from 2000 on. I can't say 20 every order that came out but there were certain ones 21 I did review. 22 Q. Okay. 23 A. It was more like I was led back to them 24 reading the file. I was led back to certain areas</p>	<p style="text-align: right;">Page 12</p> <p>1 Q. And on your testimony page 4, line 10 -- 2 actually it starts on the prior page. 3 A. Okay. 4 Q. Where you are quoting DP&L Witness 5 Marrinan and then after the end of the quote, you say 6 you agree with the premise as outlined. Just make 7 sure I understand. 8 A. Yes. 9 Q. I want to make sure I understand what you 10 are agreeing to there. Is it fair to say you agree 11 that if a deferral is granted, those are the costs 12 that should -- cost category, the deferral should be 13 granted? 14 A. No. I am just saying the general premise 15 that these costs are generally related to fuel and 16 assuming that these costs are allowed by the 17 Commission, to me they are generally fuel related. 18 Q. Okay. 19 A. You know, I am not saying one way or the 20 other on the merits. I am just saying they could be 21 contributed on a kilowatt-hour basis to these 22 customers, and purchased power costs, again, could 23 fit in under that category. And that looking at that 24 category in total and try to do some kind of economic</p>
<p style="text-align: right;">Page 10</p> <p>1 that I wanted to look into. 2 Q. Okay. Did you review any of the 3 testimony of any of OCC's other witnesses? 4 A. Yes. I read some draft testimony. I 5 didn't read the final testimony. 6 Q. What draft testimony do you recall 7 reading? 8 A. I don't recall. I don't recall whose it 9 was. 10 Q. Okay. Do you recall the subject matters 11 it was on? 12 A. It had to do with as I recall purchased 13 power costs and/or fuel costs. And basically I was 14 just looking to see if it was consistent with what I 15 had. 16 Q. Might that have been Dr. Dan Duann's 17 testimony? 18 A. I just don't recall. I just don't 19 recall. 20 Q. Okay. And anything else that you can 21 recall that you reviewed? 22 A. Data responses. 23 Q. From the Dayton Power and Light Company? 24 A. Yes. And those were both for the OCC and</p>	<p style="text-align: right;">Page 13</p> <p>1 dispatch on that category, at least that's my 2 understanding what she was doing. My understanding 3 is she was not personally -- my understanding is that 4 she was not recommending those seven FERC accounts. 5 I thought that was another witness that was doing 6 that, and I wasn't addressing the other witnesses. I 7 was more addressing her picking up from assuming that 8 this was moved forward, here is what we are going to 9 do with them, this is how we are going to allocate 10 those. 11 Q. Okay. I understand the basic point of 12 your testimony to be that in calculating costs to be 13 assigned to DP&L retail customers the Commission 14 should assign higher costs to nonjurisdictional 15 opportunity sales and DPLER sales is a basic 16 description; is that correct? 17 A. The category -- let me just rephrase it 18 my way. The categories of opportunity sales and 19 sales to its affiliate DP&L -- DPL Energy Resources 20 should receive the higher cost resources and lower 21 cost resources should then be assigned to the what I 22 would call the more retail customers, the standard 23 service offer customers. 24 Q. Okay. I want to focus on the comparison</p>

<p style="text-align: right;">Page 14</p> <p>1 between DP&L retail customers and the DPLER 2 transactions. Can you tell me why it is that you 3 believe lower cost resources should be assigned to 4 the DP&L retail customers? 5 A. A couple of reasons, why historically 6 it's been done that way, since the beginning of 7 utilities as far as I'm concerned. And the other is 8 that ER, DPLER, is not a regulated entity and that 9 should get the same treatment as other -- I misspoke. 10 It's a nonjurisdictional entity, and it should get 11 the same treatment as other nonjurisdictional 12 entities such as the opportunity sales. 13 Q. Does that complete your answer, those two 14 reasons? 15 A. Yes. 16 Q. Okay. You said historically it was done 17 that way. Do you know why it was historically -- 18 first, let me start back. 19 You would agree that there has been a 20 separation of transmission and distribution asset, 21 the electric distribution utility from the 22 competitive generation supplier's business of utility 23 only starting in 2000 in Ohio? 24 A. Yes.</p>	<p style="text-align: right;">Page 17</p> <p>1 and the generating resources. There are just common 2 costs and whatnot so those are constantly allocated 3 and again that was done -- I don't think there is a 4 whole lot of difference between now and what it was 5 10, 15 years ago as far as the general procedures go. 6 Q. Is your question is it limited to 7 allocation of costs between EDU affiliates? Because 8 you mentioned distribution of costs between EDU 9 affiliates. If you have electric distribution to 10 affiliates and you do allocated costs but what I am 11 trying to figure out if you were also touching upon 12 an instance where an EDU had a non-EDU affiliate and 13 costs were calculated between those two. 14 A. The EDU itself would have an affiliate or 15 just -- 16 Q. Let's just strike the whole question. 17 Maybe I will go at this a different way. It has been 18 common historically for EDUs to have affiliated 19 businesses who may be involved in nonutility 20 businesses, correct? 21 A. I just have a little problem with the way 22 you said the EDU has -- has businesses. I mean, 23 there are affiliates of EDUs, yes. 24 Q. Okay. And those -- those businesses, for</p>
<p style="text-align: right;">Page 15</p> <p>1 Q. Okay. So any such allocations would not 2 have been made before 2000, correct? 3 A. I'm not sure what you mean by that and 4 let me just clarify at least what I thought I was 5 hearing. There wouldn't have been any "allocations" 6 because that wouldn't have existed. That part is 7 true because those energy -- that separation would 8 not have existed but prior to that time, prior to 9 2000, there certainly was treatments like that ever 10 since I have been in the business of 11 jurisdictional/nonjurisdictional sales. 12 There have been opportunity sales always 13 in the electric utility industry, and those sales 14 have always been treated as benefits to the retail 15 customers given the fact that it's a utility. It's 16 operating for the purpose of the customers. And, 17 therefore, any excess sales that can be made would 18 not be made at a price that would cause the customers 19 to incur more costs. They would only be made to the 20 benefit of the customers who are supposed to be 21 served by that plan. 22 Q. You referred to the historical practice 23 even before 2000. And I understand that there were 24 sales and have long been sales by utilities that were</p>	<p style="text-align: right;">Page 18</p> <p>1 example, may share a common corporate headquarters. 2 A. Yes. 3 Q. Okay. There may be other costs -- strike 4 that. 5 Are there besides the corporate 6 headquarters' costs that the business would incur 7 that would support both the EDU and any non-EDU 8 affiliates? 9 A. Depending on what you want to call 10 corporate costs but I think there is more than 11 "corporate center." There are certain costs, the 12 cost of paper, the cost -- I mean, literally 13 materials and supplies, there is the cost of maybe -- 14 I have not looked in this too much but the cost of 15 money, the cost of money for, you know, going out and 16 borrowing, you know, for essentially for the entire 17 company but, you know, who pays for it, how much, 18 that type of thing so there are more costs in what I 19 would consider just headquarters' cost is really what 20 I am trying to say. 21 Q. Okay. Amongst -- let's talk about 22 headquarters' costs and I am including not just the 23 building but the people who support. 24 A. Right.</p>
<p style="text-align: right;">Page 16</p> <p>1 what Ms. Marrinan describes as nonjurisdictional 2 opportunity sales meaning sales to unaffiliated 3 entities in the market, correct? 4 A. Correct. I was just having a little 5 problem with your affiliated versus nonaffiliated. 6 Yes, certainly to nonjurisdictional entities there 7 has been sales for, again, as long as I can remember 8 from long before that. 9 Q. Are you familiar with any historical case 10 process that allocated these -- strike these. Strike 11 the whole question. 12 Are you familiar with any historical case 13 process that allocated costs among an electric 14 distribution utility and its affiliates? 15 A. There certainly are procedures which I am 16 familiar with where they do that. They do it today. 17 I mean, they do it today and they did it prior to 18 2000 and at least where I am thinking things like, 19 for example, AEP which straddles multiple 20 jurisdictions there is certainly, you know, 21 distribution costs that are belonging to the Ohio 22 area. But there is also costs that are allocated 23 between, you know, the Ohio jurisdiction, other 24 jurisdictions between the Ohio distribution company</p>	<p style="text-align: right;">Page 19</p> <p>1 Q. How have those costs traditionally been 2 allocated? 3 A. There has been arguments a number of 4 different ways and different commissions seem to do 5 things differently. There is an attempt by most 6 people to at least try to define more of a generation 7 function/distribution function if they can within 8 those people, if they can. Oftentimes if it's more 9 distribution related, if they can do that, there's a 10 push to either do it on number of customers in the 11 given jurisdiction or in general a lot of that is 12 done by rate base, just overall amount of dollars 13 associated with the given entity where if, for 14 example, one jurisdiction had \$100 million worth of 15 rate base and another one had 2 million, the ratio 16 would probably be 2 percent to 98 percent, that type 17 of thing. 18 Q. Okay. I want to focus on an instance not 19 where you are allocating between jurisdictions in 20 separate states or even among two EDUs like AEP may 21 have that are in the same state but more in a 22 situation where you are allocating costs between an 23 EDU -- those corporate costs between an EDU and an 24 affiliated business that was not an EDU. For</p>

Page 20

Page 23

1 example, the Dayton Power and Light Company has an
2 affiliate that does street lighting. It has another
3 affiliate as do other, I know, Ohio utilities. How
4 historically have costs been allocated between an EDU
5 and non-EDU affiliates?

6 A. At the corporate level basically in the
7 corporate building, for example?

8 Q. I am talking about the corporate costs
9 that we have talked about.

10 A. The corporate costs, again, it seems very
11 varied and given the utility will make a proposal on
12 something like that because, again, it varies from
13 utility to utility as to what other affiliates are
14 out there so, therefore, it is highly dependent upon
15 where the utility starts and then the Commission,
16 other intervenor parties will comment on that or
17 think it's generally reasonable, not necessarily
18 saying that, for example, total labor costs that are
19 done elsewhere, you know, measure versus rate base
20 costs versus some other types of costs may not be
21 used. But ultimately it is a question of do people
22 feel like the allocation is reasonable, for example,
23 if I was to propose -- if the company was to propose
24 a 98/2 percent split on a particular item, they may

1 mentioned that might support an EDU and a
2 nonregulated affiliate were the cost of capital
3 costs. How are those costs typically allocated
4 between the EDU and the nonregulated affiliate?

5 A. I can't give you precise examples since I
6 don't do rate of return, but my understanding is from
7 sitting in the hearing room a lot is that where there
8 is a question where the capital structure is based
9 upon the overall corporate umbrella that there will
10 be proxies developed for what the capital structure
11 should be for the utility in isolation, looking again
12 at the utilities in isolation, and trying to get sort
13 of comparables. I don't know of any time when those
14 would have been any less favorable than the overall
15 capital structure that was there, obviously always
16 more favorable to the regulated customers than the
17 capital structure that the utility had.

18 Q. You are not familiar with any principle
19 that allocates to the nonregulated affiliate the more
20 expensive capital first reserving to the EDU the less
21 expensive capital only?

22 A. I can't give you a specific example but
23 what I think I just said was essentially that the
24 unregulated utility -- unregulated entity is always

Page 21

Page 24

1 propose that on the basis of as I was suggesting rate
2 base. I may not agree with rate base allocation but
3 still feel the 98/2 percent is appropriate for
4 whatever reason. And, therefore, this usually gets
5 approved by the Commission assuming that there are no
6 major objections and the Commission itself feels
7 generally speaking that seems like about the right
8 ratio.

9 Corporate costs are much more difficult
10 to allocate. They are not as straightforward as
11 normal costs of service-type things where you could
12 go out and measure peak demands of customers, energy
13 demands of customers and whatnot, and divide things
14 up very cleanly. Corporate costs are again a very
15 common cost. It's hard to say what one person is
16 doing, you know, all week long versus another person
17 who they are working for.

18 Q. Okay. Are you aware of any instance in
19 which corporate costs are allocated so that higher
20 cost resources were assigned to a non-EDU affiliate?

21 A. Nothing specific but I think there's --
22 in the times where I have seen things like this, and
23 again I think this was probably the last 15 years,
24 when utilities have been allowed to go out and

1 assigned a higher cost of capital, overall cost of
2 capital.

3 Q. Well, let me ask you you would agree with
4 me, wouldn't you, that equity is ordinarily a more
5 expensive source of capital than debt?

6 A. Yes.

7 Q. Okay. And you would agree with me that
8 in assigning the costs of equity and the costs of
9 debt of the overall business, the EDU would get its
10 fair share, however that was determined of both, and
11 it would not be allocated so that the EDU gets
12 assigned all of the debt first and only equity
13 second?

14 A. What usually happens is something similar
15 to that and what usually happens is that the EDU will
16 be assigned a percentage of debt and percentage of
17 equity and the equity -- the debt assigned would tend
18 to be higher percentagewise, and the equity assigned
19 would tend to be less than the overall corporate
20 structure, thus, reducing the cost of capital to the
21 EDU versus the overall company of the cost to
22 capital.

23 Q. But both the EDU and the nonregulated
24 affiliate would have assigned to them debt and

Page 22

Page 25

1 broaden their horizons and pick up real estate
2 companies and just different things that they have, I
3 think there was a concern on everyone's part that
4 those costs weren't pushed off to the retail
5 customers so there was a concern that if nothing
6 else, the nonaffiliate, the nonregulated affiliate,
7 would get at least as much as people thought they
8 should have gotten, if not more of the costs assigned
9 to them.

10 Q. And those costs might be assigned on
11 assets, revenue, employees, something like that?

12 A. Right, right, and again probably a lot of
13 looking at the records and what does the president do
14 and how much time did he spend on various activities
15 within that and they may just work off again the top
16 three people or something and try to at least get a
17 feel for where the company is going but this is just
18 more of my sense I don't believe that there is
19 anything in concrete out there but my sense would be
20 that there was a -- always has been a very strong
21 push to make sure that those costs, the unregulated
22 costs, were not getting pushed off onto retail
23 customers.

24 Q. Another common cost that you had

1 equity, correct?

2 A. Not in the ratio that the overall company
3 has, yes.

4 Q. The answer to my question though is, yes,
5 they would both have some assigned to them?

6 A. Yes.

7 Q. All the debt wouldn't be assigned first
8 to the utility. Some would be assigned to the
9 nonregulated affiliate.

10 A. Under that -- the way things are done,
11 yes. It's not at an all or nothing given the fact
12 that what you are doing is mimicking a -- a
13 stand-alone utility, and the stand-alone utility
14 would have some of both so because a stand-alone
15 utility has some of both you -- you would give some
16 of each.

17 Q. Do you believe -- strike that.

18 Page 2, line 17, of your testimony
19 says -- actually it starts at the end of line 16. "I
20 recommend that it be made clear that the company's
21 resources are first to serve jurisdictional customers
22 and that these resources are only to serve
23 nonjurisdictional customers on a secondary basis."
24 Why do you believe that to be true?

Page 26

1 A. Well, these resources are assigned to
2 jurisdictional customers, jurisdictional customers
3 are part of the regulatory compact that the
4 jurisdictional customers will be paying for that
5 plant. They are paying for the plant; they should
6 get the benefit of the plant and not giving it away.
7 You know, why would they want to buy something for a
8 dollar and then sell it to somebody else for 80
9 cents? So if they bought it for a dollar, they would
10 be happy to sell it for a dollar five. Just simple
11 economics if you are paying for it.
12 Q. Okay. Anything else?
13 A. That's good for now.
14 Q. Let's go back to the topic we were
15 talking about earlier, your experience. You
16 mentioned there was about an eight-year gap in which
17 you hadn't done any work for OCC.
18 A. Approximately, yes.
19 Q. I don't mean to be exact, close enough.
20 A. Yeah.
21 Q. When did that gap occur roughly?
22 A. Well, it occurred, let's say, starting 8
23 years prior to 2 years ago, whatever that would have
24 been, so let's say starting 10 years ago so I would

Page 27

1 say it was 1999 just for a guess.
2 Q. Okay. So from 1999 up until --
3 A. Right. So I did not do -- and that does
4 fit in with at least one part the original House --
5 Senate Bill 3 work.
6 Q. So you did not work on any of the ETP
7 cases of the numerous Ohio utilities.
8 A. Yes, that's correct.
9 Q. And are you familiar with the fact that
10 each of the Ohio electric utilities has had at least
11 one, DP&L two RSP cases?
12 A. Yes.
13 Q. And did you work on any of those cases?
14 A. No.
15 Q. Okay. And in terms of your recent work
16 we've discussed the fact that you have been working
17 on these ESP cases for each of the utilities.
18 A. Yes.
19 Q. Has your work encompassed anything other
20 than these ESP cases?
21 A. For the OCC?
22 Q. Yeah, within the last two-year period
23 where you said you started working for OCC again.
24 A. I did tell you I worked on the Duke

Page 28

1 Energy case.
2 Q. You did.
3 A. And I was on the gas side.
4 Q. Right.
5 A. And I think that's it. I don't remember
6 the case very well any more, but I think that was the
7 last case I worked on. I think that was the only
8 one. That was the first. I don't think I worked on
9 anything else.
10 Q. Can you describe what led to your
11 beginning to work with OCC again approximately two
12 years ago?
13 A. I simply got an RFP in the mail and
14 responded to it, put in a proposal, and got the
15 contract.
16 Q. And that was the RFP on the Duke piece?
17 A. Yes. I don't recall getting an RFP for
18 many years prior to that.
19 Q. Okay. Your work in this case, is that
20 pursuant to an RFP response?
21 A. Yes.
22 MR. SHARKEY: Okay. I think we will make
23 a request for that document, the RFP and his
24 response.

Page 29

1 Q. I assume you don't have those documents
2 here with you today?
3 A. No, I do not.
4 Q. Are you aware of the fact that the Senate
5 Bill 2 includes corporate separation requirements?
6 A. Senate Bill 3?
7 Q. I apologize, yes.
8 A. We could be off on one thing. Yes.
9 Q. Are you aware that the Dayton Power and
10 Light Company's -- the Dayton Power and Light Company
11 is operating pursuant to a Commission-approved
12 corporate separation plan?
13 A. I assume that. I don't know that for a
14 fact, but I assume that.
15 Q. Are you aware of the fact that DP&L's
16 generation assets are operated in a manner
17 functionally separate from DP&L's transmission and
18 distribution assets?
19 A. Generally speaking but not specifically,
20 yes. Generally speaking I'm aware of them or believe
21 that to be the case.
22 Q. Okay. Are you aware of the
23 jurisdiction -- strike that.
24 Do you know whether the customers of

Page 30

1 DPLER are located within the DP&L service territory?
2 A. Not specifically, my assumption is that
3 most, not all are.
4 Q. And you would -- is it your understanding
5 that those DPLER customers like the DP&L customers
6 have paid money associated with the construction
7 financing of the generation assets?
8 A. Those that would have been part of the
9 jurisdiction prior to, yes.
10 Q. Okay.
11 A. Again, I just don't know if they are
12 all -- all those customers are within the original
13 service territory or not but for those that are in
14 the original service territory, yes.
15 Q. And it would be your assumption that
16 those DPLER customers within the service territory of
17 DP&L have paid their fair share of the costs
18 associated with those generation assets?
19 A. As long as the company has paid their
20 fair share, yes.
21 Q. And do you know whether DPLER has a
22 contract -- a term contract to provide service to
23 those customers? By term contract I mean something
24 other than a spot market sale.

Page 31

1 A. I do not specifically know. I am
2 assuming there are one-year contracts or more.
3 Q. Can you tell me -- step back. In light
4 of the fact that the generation assets have been
5 structurally separated from the DP&L distribution and
6 transmission assets, can you tell me why retail
7 customers should be entitled to lower costs
8 allocation of generation costs?
9 A. Because the Commission has jurisdiction
10 over those customers vis-a-vis the rates being
11 proposed here plus the proposal by the company to
12 defer some of those costs to be collected later.
13 It's Commission jurisdiction.
14 Q. That's the only reason that you can think
15 of?
16 A. Yeah. I thought it was a good reason.
17 Q. Are you aware of any instance in the
18 United States in which costs have been allocated
19 between an EDU and a non-EDU affiliate in the manner
20 you are describing? And let me say specifically fuel
21 costs, fuel-related costs.
22 A. I am unaware of any general situations
23 that are similar to what we are looking at here in
24 Ohio so, therefore, I don't know given the fact that

Page 32

1 Ohio is somewhat unique in where it's at in the dereg
2 regulatory process, there's nothing similar to
3 compare it to.

4 Q. Are you aware of any other states that
5 permit a nonregulated affiliate to make sales of
6 generation?

7 A. I may have misunderstood the question,
8 but I don't know -- in my opinion if you have a
9 nonregulated entity, it's allowed to do pretty much
10 whatever it wants to do. I may have missed the
11 question but.

12 Q. Okay. I think your answer is the
13 question I intended to ask. Okay. Do you know of
14 any other jurisdictions it, in fact, occurs where a
15 nonregulated entity -- nonregulated affiliate of an
16 EDU is, in fact, making sales of generation asset --
17 of generation?

18 A. Could you ask it again?

19 Q. You just told me you thought it would be
20 permissible for a nonregulated entity to make
21 generation sales in other jurisdictions. My question
22 is are you aware of any other jurisdictions in which
23 unregulated affiliates of an EDU are, in fact, making
24 sales of generation?

Page 33

1 A. I was just involved in the Pacific Corp.
2 case and, again, I didn't get into the same detail
3 but they have a -- an affiliate market arm and they
4 certainly make sales.

5 Q. Okay.

6 A. Don't necessarily make sales out of the
7 regulated pool, shall we say, but they are certainly
8 making sales. Ohio Power used to have an arm like
9 that. I don't know if they still do, but 5, 10 years
10 ago they certainly did and, you know, same answer,
11 they did make sales but not out of the -- out of the
12 pool, out of the company's pool.

13 Q. When you say not out of the company's
14 pool, what do you mean?

15 A. Out of the -- at least that I am aware of
16 out of the jurisdictional generation. And if they
17 would have, it would have been at a higher price than
18 that and, again, I just don't know. I don't
19 recall -- I know Ohio Power did have an affiliate at
20 one time that was selling. I think they are no
21 longer selling so.

22 Q. Are you aware -- let me step back. Would
23 you expect it -- strike that again.

24 Do you know if it's fairly common for

Page 34

1 nonregulated affiliates of an EDU to be selling
2 generation in the same manner that DPLER is doing?

3 A. I don't know.

4 Q. Do you know if other Ohio electric
5 utilities have an affiliate that is selling
6 generation?

7 A. Certainly FirstEnergy is. I mean,
8 FirstEnergy is selling generation back to
9 FirstEnergy. FirstEnergy is an affiliate, but it's a
10 separate company. It's not -- FirstEnergy Solutions
11 is not regulated by the Commission.

12 Q. And it's selling energy to FirstEnergy?

13 A. Yes. Well, it's selling energy to -- I
14 probably have the names mixed up because it probably
15 isn't FirstEnergy Solutions. I am not sure what the
16 name of the company is at the moment but there is a
17 generating arm that I think actually sells to
18 FirstEnergy Solutions who then sells to CEI, Toledo
19 Edison, and to the distribution companies themselves.

20 Q. Okay. Whatever the FirstEnergy arm that
21 you are discussing, the generation entity, I thought
22 it was FirstEnergy Solutions as well but.

23 A. I am not sure. It could be FirstEnergy
24 Generation or Genco or something of that nature

Page 35

1 which, again, it doesn't make a lot of difference.
2 It's one affiliate selling to another affiliate.

3 Q. Whatever it is do you know if that entity
4 is also selling to -- making nonaffiliated sales?

5 A. Yes.

6 Q. And do you know if those sales include
7 sales to retail customers within the FirstEnergy
8 EDU's service territories?

9 A. It depends on what you classify as retail
10 but certainly historic retail customers within the
11 FirstEnergy service territory they do sell to as well
12 as other entities. I am assuming Dayton Power and
13 Light -- I know Detroit Edison and whatnot so they
14 are selling to other utilities, but they are selling
15 to residential homes in Cleveland as far as that goes
16 as well.

17 Q. On page 8, line 5, of your testimony you
18 refer to the marginal costs paid by DPL Energy
19 Resources. "It appears DPLER is not paying the
20 marginal costs of energy." Do you see that?

21 A. I said may not but, yes.

22 Q. And if I understand your proposal
23 correctly, it's essentially a marginal cost proposal
24 meaning the lower cost generating asset generating

Page 36

1 resources would be assigned to DP&L and the wholesale
2 term customers and then only after those costs were
3 assigned, the higher costs items would be assigned to
4 DPLER and nonjurisdictional opportunity sales?

5 A. Yes.

6 Q. And the costs you are talking about here
7 relate to fuel and the fuel-related costs that are
8 described in Teresa Marrinan's testimony?

9 A. I don't think so. I am not sure the way
10 you said that. What I have got here at least on this
11 particular page is actually rate surcharge, not costs
12 so there is a -- to me a large difference. I don't
13 know how much "fuel" is in here versus how much other
14 things are built into this so that part I don't know
15 but these are not costs. These are rates that are
16 being charged.

17 Q. I actually meant my question to be
18 separate from the sheet.

19 A. Oh.

20 Q. I could see why you were focused on that
21 because I had asked you the prior question about
22 that. So let me go back. The costs that you are
23 recommending an allocation basis in your testimony in
24 general are the fuel costs, in particular being cost

Page 37

1 of coal, related costs of disposal of chemicals, and
2 purchased power costs, correct?

3 A. And natural gas, yes, yes.

4 Q. And you are recommending that those costs
5 be allocated on a marginal cost basis. Are you
6 aware -- would it be possible to allocate the cost of
7 the generating assets themselves on the marginal cost
8 basis? For example, could you say blank DP&L's --
9 strike that.

10 Could you say the generating assets have
11 over the course of a given year a peak usage by DP&L
12 customers of such and such, allocate those costs to
13 DP&L, and only costs above that to DPLER? Beyond --
14 not above that, beyond that.

15 A. We are not doing that here so I don't
16 know. I would assume that a proposal like that could
17 be possible but, I mean, again, we are looking at
18 fuel costs in this case. I never looked at that or
19 never thought about that.

20 Q. Would you support an allocation of the
21 investment costs on a marginal basis?

22 A. I would have to look at it. I don't
23 know.

24 Q. Do you know whether it would be in the

Page 38

1 interest of residential customers to have costs
2 allocated on that basis?
3 A. I have no idea.
4 Q. You understand in a traditional
5 ratemaking formula that the cost of the assets would
6 be allocated based on some form of jurisdictional
7 allocator?
8 A. I'm assuming that that may have been the
9 case, but the opportunity sales given the fact these
10 are 20-year contracts I am assuming they are
11 FERC-approved contracts. The DPL Energy Resources is
12 really a different animal. It's not regulated by
13 FERC either. FERC would have looked at it for
14 opportunity sales. They would have looked at
15 probably 12 CP method and an energy allocated to come
16 up with "what's a reasonable price for those sales"
17 to -- excuse me. I may have misspoke. I am talking
18 about opportunity. I meant the 20-year contracts
19 with the cities, that FERC probably would have looked
20 again at the 12 CP allocation factor, some energy
21 allocators and allocating plant and whatnot, but
22 again the DPL Energy Resources is much more of an
23 open market type entity and although there is some
24 FERC approved on that I don't think it's nearly the

Page 41

1 scheme, it's costing them whatever it may be costing
2 them, \$10, \$20 a megawatt hour to produce the stuff,
3 and they are getting 120 back. The Dayton Power and
4 Light Energy Resources sale would have been priced
5 closer to the opportunity sale number. They would
6 have -- because that's what they were or would be so
7 would they be better off? Chances are if those sales
8 went away, the retail customers would be not as well
9 off because the sales weren't being made but, again,
10 it depends on the entire scheme of, you know, it has
11 to be a -- it has to be whole cloth what I am saying.
12 Q. The question was intended to be using the
13 economist terms all else being equal so the
14 question --
15 A. But I wasn't sure again even the basis.
16 I mean, which costs are we talking about? How are
17 these sales being handled. All else being equal I
18 think the retail customers would be not as well off
19 having -- not having those sales made.
20 Q. We've touched on a number of these
21 points, but I want to make sure that we are in
22 agreement, or at least I understand your position if
23 we are not. Would you agree that to the best of your
24 knowledge, the generating assets are currently

Page 39

1 same type of entity, so I don't think things would be
2 allocated that way at all.
3 Q. Well, let me ask you this, suppose the
4 relative percentages of business for DP&L, DPLER, and
5 nonjurisdictional opportunity sales and wholesale
6 term customers were as follows: We'll put 60 percent
7 in the DP&L and wholesale term customer bucket, 20
8 percent in the DPLER bucket, and 20 percent in the
9 D -- in the nonjurisdictional opportunity sale
10 bucket. In that instance if there was to be an
11 allocation of the assets meaning the costs of the
12 assets and the return on -- rate of return to be
13 approved for those assets, 60 percent of that cost
14 would be assigned to DP&L and wholesale term
15 customers; is that correct?
16 A. If there was to be an allocation and I am
17 assuming that's "the number," then it would be.
18 Again it's a question is there that allocation, yes.
19 Q. A question of whether -- I am talking in
20 a rate case for the Dayton Power and Light Company as
21 you were assigning costs, is that how they would be
22 allocated in your opinion?
23 A. Yes.
24 Q. In this hypothetical I have given you

Page 42

1 separated from DP&L pursuant to a PUCO order?
2 A. That would be my assumption.
3 Q. Okay. And that DP&L and DPLER customers
4 are both receiving generation from those assets?
5 A. Yes.
6 Q. Okay. And to the best of your knowledge,
7 DP&L and DPLER customers have both been receiving
8 generation from those assets for many years?
9 A. Generally speaking possibly all of them.
10 Q. Both DP&L and DPLER customers paid rates
11 associated with the construction and operation of
12 those assets for many years?
13 A. Yes, generally speaking.
14 Q. And to the best of your knowledge, DP&L
15 and DPLER customers are both being served under
16 agreements for a term meaning not spot market
17 conditions?
18 A. Could you ask that one again.
19 Q. DP&L and DPLER customers are both being
20 served under agreements for a term as opposed to
21 under spot market transactions to the best of your
22 knowledge?
23 A. Yes, I would call it that way. There's
24 certainly -- I mean, I guess I consider retail

Page 40

1 let's suppose the DPLER customers left DPLER and were
2 doing business with an affiliated CRES provider,
3 okay? And DPLER was able to make up only a small
4 portion of those sales in market sales just say so
5 that the new allocations were 75 percent to DP&L and
6 the wholesale term, 5 percent DPLER, and 20 percent
7 nonjurisdictional opportunity sales. Would you agree
8 that all else being equal as a result of that,
9 costs -- strike that, rates would go up to retail
10 customers because they would be paying a higher
11 percentage of the share of the assets?
12 A. Well, it just depends on which bucket you
13 are putting things in. Again, the share would have
14 gone up -- I guess it would have gone up from
15 60 percent to 75 percent. I can see where the
16 percentage share would go up, but the question is how
17 are you treating the asset in the sale. That last 20
18 percent, the opportunity sales, we're saying is
19 basically fixed, you know, we are getting in this
20 particular case off my page 8 getting \$113 a megawatt
21 hour for. We are doing very well that from a
22 regulated standpoint, from a regulated customer
23 standpoint, assuming that money was coming back to
24 the regulated customers under, you know, the old

Page 43

1 customers certainly not being spot. By the same
2 token it's not a term. They are just there. As long
3 as they want service, they get service. I'm assuming
4 that, and again I have not seen any contracts, but
5 the DPLER customers would be on like a one-year
6 contract and would be continuing from month to month.
7 I have no idea what the terms of those contracts are,
8 but I would assume it is a contract.
9 Q. Let me rephrase the question because you
10 point out a valid problem of DP&L customers. How
11 about we say this, would you agree DP&L and DPLER
12 customers have either a statutory or contractual
13 right to receive generation for a term meaning some
14 period of time beyond just the applicable hour which
15 this spot market transaction occurs?
16 A. Yes.
17 Q. Okay. And you would agree that neither
18 the DP&L customers nor the DPLER customers have any
19 legal ownership interest in the generating assets?
20 A. You would have to ask my attorney. I
21 don't know.
22 Q. Are you aware of any legal ownership
23 rights that the DP&L customers or the DPLER customers
24 have?

<p style="text-align: right;">Page 44</p> <p>1 MS. ROBERTS: I object. He answered the 2 question. He said he doesn't know. You are asking 3 him to speculate. 4 MR. SHARKEY: I am asking if he is aware. 5 MS. ROBERTS: He said he doesn't know. 6 Q. You are not aware of any such rights? 7 A. I don't know one way or the other. 8 Q. You would also agree with me, wouldn't 9 you, DP&L and DPLER customers are both being served 10 in a market-based rate? 11 MS. ROBERTS: If you know. 12 A. I really don't know what I would call the 13 DP&L rate. I personally don't call it market-based 14 rate. 15 Q. Do you know whether -- let's focus on 16 DPLER. Do you agree they are being served on a 17 market-based rate, their customers? 18 MS. ROBERTS: If you know. 19 A. I assume because they are market 20 customers, so I am assuming it's a market-based rate 21 of some sort. 22 Q. And let me show you a copy of the 2005 23 RSP stipulation. I am going to focus your attention 24 on page 4 of the document.</p>	<p style="text-align: right;">Page 47</p> <p>1 read; is that correct? 2 A. I can't say for sure. I assume I've read 3 a number of these. I am just not sure. 4 Q. Okay. Pursuant to those documents we 5 just reviewed, is it your understanding that DP&L is 6 providing service to retail customers at a 7 market-based rate? 8 MS. ROBERTS: I object. You are assuming 9 facts not in evidence. You are assuming the 10 Commission uses those terms to mean a market-based 11 rate in an economic or sales sense as opposed to an 12 administrative sense that we don't know what -- the 13 way they are using this term. You have to answer. 14 THE WITNESS: You cut me off, that's all. 15 A. I mean, it does -- the words there say 16 market-based rate, but it also says it's a stipulated 17 rate. As far as I'm concerned, it's a stipulated 18 rate. You can call it whatever you want to call it, 19 but it's a stipulated rate. 20 MR. SHARKEY: Let's go off the record for 21 a minute. 22 (Discussion off the record.) 23 (Thereupon, the deposition was concluded 24 at 3:10 p.m.)</p>
<p style="text-align: right;">Page 45</p> <p>1 A. Yes. 2 Q. Okay. Page 4, paragraph D1. 3 A. I'm sorry, D1? 4 Q. I apologize, page 4, paragraph IB1. 5 A. Okay. 6 Q. Says "During the RSP, DP&L shall provide 7 a market-based standard service offer pursuant to 8 Ohio Revised Code 54928 -- 4928.14(A)." Do you see 9 that? 10 A. Yes. 11 Q. Okay. And then -- 12 MS. ROBERTS: I'm sorry. Was there a 13 question pending? 14 MR. SHARKEY: I just asked him -- 15 MS. ROBERTS: You are asking him if he 16 actually saw that sentence? 17 MR. SHARKEY: That was the question. 18 There's another question to follow. 19 MS. ROBERTS: Okay. 20 Q. And I am going to show you the Commission 21 order approving that stipulation and recommendation 22 in the -- again I am looking both at the stipulation 23 I showed you and here at the 05-276-EL-AIR case. 24 MR. SHARKEY: And I apologize, Jackie. I</p>	<p style="text-align: right;">Page 48</p> <p>1 State of Ohio : 2 : SS: 3 County of : 4 I, Anthony J. Yankel, do hereby certify that I 5 have read the foregoing transcript of my deposition 6 given on Monday, February 2, 2009; that together with 7 the correction page attached hereto noting changes in 8 form or substance, if any, it is true and correct. 9 10 Anthony J. Yankel 11 12 I do hereby certify that the foregoing 13 transcript of the deposition of Anthony J. Yankel was 14 submitted to the witness for reading and signing; 15 that after he had stated to the undersigned Notary 16 Public that he had read and examined his deposition, 17 he signed the same in my presence on the _____ day 18 of _____, 2008. 19 20 Notary Public 21 22 My commission expires _____, 23 _____ 24</p>
<p style="text-align: right;">Page 46</p> <p>1 only had one copy of this document, so I am going to 2 be showing him -- 3 MS. ROBERTS: Which paragraph? 4 MR. SHARKEY: Paragraph 2, page 3, 5 paragraph 2. 6 Q. I will represent to you the document I am 7 handing to you is the PUCCO order approving the 8 stipulation we just looked at, and I want to focus 9 you on page 3. Towards the bottom there is a 10 paragraph No. 2. Do you see that? 11 A. Yes, I do. 12 Q. Okay. Since you are looking at it right 13 side up and I am reading it upside-down do you want 14 to read it? 15 MS. ROBERTS: Is there a question about 16 this other than you want him to read it? 17 MR. SHARKEY: There will. 18 MS. ROBERTS: Okay. 19 A. "DP&L will provide a market-based 20 standard service offer (MBSSO) at rates fixed in the 21 stipulation throughout the extended rate 22 stabilization period." 23 Q. Okay. Pursuant to -- I believe you told 24 me previously that that was an order that you had</p>	<p style="text-align: right;">Page 49</p> <p>1 CERTIFICATE 2 State of Ohio : 3 : SS: 4 County of Franklin : 5 I, Karen Sue Gibson, Notary Public in and for 6 the State of Ohio, duly commissioned and qualified, 7 certify that the within named Anthony J. Yankel was 8 by me duly sworn to testify to the whole truth in the 9 cause aforesaid; that the testimony was taken down by 10 me in stenotyp in the presence of said witness, 11 afterwards transcribed upon a computer; that the 12 foregoing is a true and correct transcript of the 13 testimony given by said witness taken at the time and 14 place in the foregoing caption specified and 15 completed without adjournment. 16 I certify that I am not a relative, employee, 17 or attorney of any of the parties hereto, or of any 18 attorney or counsel employed by the parties, or 19 financially interested in the action. 20 21 IN WITNESS WHEREOF, I have hereunto set my 22 hand and affixed my seal of office at Columbus, Ohio, 23 on this 4th day of February, 2009. 24 25 Karen Sue Gibson, Registered 26 Merit Reporter and Notary Public 27 in and for the State of Ohio. 28 My commission expires August 14, 2010. 29 (KSG-5041) 30 31 32 33 34</p>

<p>A</p> <p>able 40:3</p> <p>accounting 1:11 5:18</p> <p>accounting-type 5:19</p> <p>accounts 6:23 11:23 13:4</p> <p>action 49:11</p> <p>activities 22:14</p> <p>addressed 7:23</p> <p>addressing 13:6,7</p> <p>adjournment 49:9</p> <p>administrative 47:12</p> <p>AEP 7:18 9:9,9 16:19 19:20</p> <p>affiliate 13:19 17:12,14 20:2,3 21:20 22:6 23:2,4,19 24:24 25:9 31:19 32:5,15 33:3 33:19 34:5,9 35:2,2</p> <p>affiliated 16:5 17:18 19:24 40:2</p> <p>affiliates 16:14 17:7,9 17:10,23 18:8 20:5 20:13 32:23 34:1</p> <p>affixed 49:13</p> <p>aforsaid 49:6</p> <p>Afternoon 3:1</p> <p>ago 5:21 7:10 17:5 26:23,24 28:12 33:10</p> <p>agree 12:6,10 14:19 21:2 24:3,7 40:7 41:23 43:11,17 44:8 44:16</p> <p>agreeing 12:10</p> <p>agreement 41:22</p> <p>agreements 42:16,20</p> <p>allocate 13:9 21:10 37:6,12</p> <p>allocated 16:10,13,22 17:2,10 19:2 20:4 21:19 23:3 24:11 31:18 37:5 38:2,6,15 39:2,22</p> <p>allocates 23:19</p> <p>allocating 19:19,22 38:21</p> <p>allocation 6:21,22,22 7:4,24 8:19 17:7 20:22 21:2 31:8 36:23 37:20 38:20 39:11,16,18</p> <p>allocations 15:1,5 40:5</p> <p>allocator 38:7</p> <p>allocators 38:21</p> <p>allowed 12:16 21:24 32:9</p> <p>Allwein 2:7</p>	<p>Amended 1:15</p> <p>amount 19:12</p> <p>and/or 10:13</p> <p>animal 38:12</p> <p>answer 14:13 25:4 32:12 33:10 47:13</p> <p>answered 44:1</p> <p>Anthony 1:18 3:6 4:1 4:10 48:3,7,9 49:5</p> <p>apologize 29:7 45:4,24</p> <p>APPEARANCES 2:1</p> <p>appears 35:19</p> <p>applicable 3:8 43:14</p> <p>Applicant 2:5 3:7</p> <p>Application 1:3,6,9,13</p> <p>appropriate 21:3</p> <p>Approval 1:4,7,10,14</p> <p>approved 21:5 38:24 39:13</p> <p>approving 45:21 46:7</p> <p>approximately 26:18 28:11</p> <p>area 6:11 11:9 16:22</p> <p>areas 9:24</p> <p>arguments 19:3</p> <p>arm 33:3,8 34:17,20</p> <p>asked 36:21 45:14</p> <p>asking 11:5 44:2,4 45:15</p> <p>asset 14:20 32:16 35:24 40:17</p> <p>assets 22:11 29:16,18 30:7,18 31:4,6 37:7 37:10 38:5 39:11,12 39:13 40:11 41:24 42:4,8,12 43:19</p> <p>assign 13:14</p> <p>assigned 6:3 13:13,21 14:3 21:20 22:8,10 24:1,12,16,17,18,24 25:5,7,8 26:1 36:1,3 36:3 39:14</p> <p>assigning 24:8 39:21</p> <p>assignment 6:8</p> <p>associated 19:13 30:6 30:18 42:11</p> <p>Associates 4:17,22</p> <p>assume 4:11 6:13 29:1 29:13,14 37:16 43:8 44:19 47:2</p> <p>assuming 6:12 12:16 13:7 21:5 31:2 35:12 38:8,10 39:17 40:23 43:3 44:20 47:8,9</p> <p>assumption 30:2,15 42:2</p> <p>attached 48:4</p> <p>attempt</p>	<p>19:5</p> <p>attention 44:23</p> <p>attorney 43:20 49:10 49:11</p> <p>August 49:17</p> <p>Authority 1:11</p> <p>aware 21:18 29:4,9,15 29:20,22 31:17 32:4 32:22 33:15,22 37:6 43:22 44:4,6</p> <hr/> <p>B</p> <p>back 9:23,24 14:18 26:14 31:3 33:22 34:8 36:22 40:23 41:3</p> <p>base 19:12,15 20:19 21:2,2</p> <p>based 23:8 38:6</p> <p>basic 13:11,15</p> <p>basically 10:13 20:6 40:19</p> <p>basis 12:21 21:1 25:23 36:23 37:5,8,21 38:2 41:15</p> <p>beginning 14:6 28:11</p> <p>behalf 2:5,9 5:14</p> <p>believe 5:9,12 8:4 14:3 22:18 25:17,24 29:20 46:23</p> <p>belonging 16:21</p> <p>benefit 15:20 26:6</p> <p>benefits 15:14</p> <p>best 41:23 42:6,14,21</p> <p>better 11:8 41:7</p> <p>beyond 37:13,14 43:14</p> <p>Bill 27:5 29:5,6</p> <p>bit 5:1 7:8 11:7</p> <p>blank 37:8</p> <p>Book 9:2,3,3</p> <p>borrowing 18:16</p> <p>bottom 46:9</p> <p>bought 26:9</p> <p>Broad 1:21 2:8</p> <p>broaden 22:1</p> <p>brought 9:9</p> <p>bucket 39:7,8,10 40:12</p> <p>building 18:23 20:7</p> <p>built 36:14</p> <p>business 4:17,22 14:22 15:10 18:6 19:24 24:9 39:4 40:2</p> <p>businesses 17:19,20,22 17:24</p> <p>buy 26:7</p> <hr/> <p>C</p> <p>calculated 17:13</p>	<p>calculating 13:12</p> <p>call 13:22 18:9 42:23 44:12,13 47:18,18</p> <p>called 3:7 4:17 7:15 9:2</p> <p>capital 23:2,8,10,15,17 23:20,21 24:1,2,5,20 24:22</p> <p>caption 49:8</p> <p>case 1:4,7,10,14 6:14 7:8,10,18 9:9 16:9,12 28:1,6,7,19 29:21 33:2 37:18 38:9 39:20 40:20 45:23</p> <p>cases 5:8,10,11 7:3,7,17 7:20,21,22,23 9:16 27:7,11,13,17,20</p> <p>categories 13:18</p> <p>category 8:15 12:12,23 12:24 13:1,17</p> <p>cause 15:18 49:6</p> <p>CEI 34:18</p> <p>center 18:11</p> <p>cents 26:9</p> <p>certain 1:10 9:20,24 18:11</p> <p>certainly 7:10,15 9:8 15:9 16:6,15,20 33:4 33:7,10 34:7 35:10 42:24 43:1</p> <p>CERTIFICATE 49:1</p> <p>certified 4:3</p> <p>certify 48:3,9 49:5,10</p> <p>Chances 41:7</p> <p>changes 7:16 48:4</p> <p>character 3:11</p> <p>charged 36:16</p> <p>chemicals 37:1</p> <p>Chris 2:7</p> <p>Cinergy 7:16</p> <p>cities 38:19</p> <p>Civil 3:8</p> <p>clarify 15:4</p> <p>classify 35:9</p> <p>cleanly 21:14</p> <p>clear 25:20</p> <p>Cleveland 35:15</p> <p>close 26:19</p> <p>closer 41:5</p> <p>cloth 41:11</p> <p>coal 37:1</p> <p>Code 1:12 45:8</p> <p>collected 6:6 31:12</p> <p>Columbia 7:20,20,22</p> <p>Columbus 1:22 2:8 49:13</p> <p>come 38:15</p> <p>coming 40:23</p> <p>comment</p>	<p>20:16</p> <p>commercial 8:16</p> <p>commission 1:1 12:17 13:13 20:15 21:5,6 31:9,13 34:11 45:20 47:10 48:16 49:17</p> <p>commissioned 49:4</p> <p>commissions 19:4</p> <p>Commission-approved 29:11</p> <p>common 17:1,18 18:1 21:15 22:24 33:24</p> <p>compact 26:3</p> <p>companies 22:2 34:19</p> <p>company 1:4,7,10,14 4:8 8:24 9:12,16 10:23 11:3 16:24 18:17 20:1,23 22:17 24:21 25:2 29:10 30:19 31:11 34:10,16 39:20</p> <p>company's 9:10 25:20 29:10 33:12,13</p> <p>comparables 23:13</p> <p>compare 32:3</p> <p>comparison 13:24</p> <p>competitive 14:22</p> <p>complete 14:13</p> <p>completed 49:9</p> <p>computer 49:7</p> <p>concern 22:3,5</p> <p>concerned 14:7 47:17</p> <p>concluded 47:23</p> <p>concrete 22:19</p> <p>conditions 42:17</p> <p>confused 7:16</p> <p>consider 18:19 42:24</p> <p>consistent 10:14</p> <p>constantly 17:2</p> <p>construction 30:6 42:11</p> <p>consumer 5:2</p> <p>consumers 1:21 2:6,9 8:11 11:2,2</p> <p>contained 9:13</p> <p>continuing 43:6</p> <p>contract 28:15 30:22 30:22,23 43:6,8</p> <p>contracts 31:2 38:10 38:11,18 43:4,7</p> <p>contractual 43:12</p> <p>contributed 12:21</p> <p>copy 44:22 46:1</p> <p>Corp 33:1</p> <p>corporate 1:15 18:1,5 18:10,11 19:23 20:6 20:7,8,10 21:9,14,19</p>
--	---	---	--	---

23:9 24:19 29:5,12 correct 13:16 15:2 16:3 16:4 17:20 25:1 27:8 37:2 39:15 47:1 48:5 49:7 correction 48:4 correctly 35:23 cost 6:2,2,20 12:12 13:20,21 14:3 18:12 18:12,13,14,15,19 21:15,20 22:24 23:2 24:1,1,20,21 35:23 35:24 36:24 37:5,6,7 38:5 39:13 costing 41:1,1 costs 6:3,9,22 7:4,24 10:13,13 11:22 12:11 12:15,16,22 13:12,14 15:19 16:13,21,22 17:2,7,8,10,13 18:3,6 18:10,11,18,22 19:1 19:22,23 20:4,8,10 20:18,20,20 21:9,11 21:14,19 22:4,8,10 22:21,22 23:3,3 24:8 24:8 30:17 31:7,8,12 31:18,21,21 35:18,20 36:2,3,6,7,11,15,22 36:24 37:1,2,4,12,13 37:18,21 38:1 39:11 39:21 40:9 41:16 counsel 1:21 2:6 3:5 8:11 49:11 County 48:2 49:3 couple 14:5 course 37:11 Courthouse 2:3 Cox 2:2 CP 38:15,20 CRES 40:2 currently 4:16 41:24 customer 6:4,22 7:4 39:7 40:22 customers 5:3,4 6:3,7,9 7:24 8:10 12:22 13:13,22,23 14:1,4 15:15,16,18,20 19:10 21:12,13 22:5,23 23:16 25:21,23 26:2 26:2,4 29:24 30:5,5 30:12,16,23 31:7,10 35:7,10 36:2 37:12 38:1 39:6,15 40:1,10 40:24 41:8,18 42:3,7 42:10,15,19 43:1,5 43:10,12,18,18,23,23 44:9,17,20 47:6 cut	47:14 <hr/> D D 39:9 Dan 10:16 Data 10:22 day 48:11 49:13 Dayton 1:3,6,9,13 2:4 2:10 4:7 10:23 20:1 29:9,10 35:12 39:20 41:3 deal 4:23 dealing 11:16 debt 24:5,9,12,16,17,24 25:7 defer 11:21 31:12 deferral 12:11,12 define 19:6 degree 8:23 demand 6:21 demands 21:12,13 dependent 20:14 Depending 18:9 depends 35:9 40:12 41:10 deposed 4:11 deposes 4:3 deposition 1:17 3:6 47:23 48:3,9,11 dereg 32:1 describe 4:21 5:14 6:10 28:10 described 36:8 describes 16:1 describing 31:20 description 13:16 design 5:21,24 6:4,5,19 detail 6:10 33:2 determine 6:24 determined 24:10 Detroit 35:13 developed 23:10 difference 17:4 35:1 36:12 different 8:13,19 17:17 19:4,4 22:2 38:12 differently 19:5 difficult 21:9 discussed 27:16 discussing 34:21 Discussion 47:22 dispatch 13:1 disposal 37:1 distribution 14:20,21 16:14,21,24 17:8,9 19:9 29:18 31:5 34:19 divide 21:13	document 28:23 44:24 46:1,6 documents 29:1 47:4 doing 7:22 8:19 13:2,5 21:16 25:12 34:2 37:15 40:2,21 dollar 26:8,9,10 dollars 19:12 DPL 13:19 35:18 38:11 38:22 DPLER 13:15 14:1,8 30:1,5,16,21 34:2 35:19 36:4 37:13 39:4,8 40:1,1,3,6 42:3,7,10,15,19 43:5 43:11,18,23 44:9,16 DP&L 11:20,21 12:4 13:13,19 14:1,4 27:11 30:1,5,17 31:5 36:1 37:11,13 39:4,7 39:14 40:5 42:1,3,7 42:10,14,19 43:10,11 43:18,23 44:9,13 45:6 46:19 47:5 DP&L's 29:15,17 37:8 Dr 10:16 draft 10:4,6 drill 4:14 Duann's 10:16 Duke 7:9 27:24 28:16 duly 4:2 49:4,5 D1 45:2,3 <hr/> E earlier 26:15 easier 5:16 economic 12:24 47:11 economics 26:11 economist 41:13 Edison 34:19 35:13 EDU 17:7,8,12,14,22 18:7 19:23,23,24 20:4 23:1,4,20 24:9 24:11,15,21,23 31:19 32:16,23 34:1 EDUs 17:18,23 19:20 EDU's 35:8 eight 7:12 eight-year 26:16 either 6:19 19:10 38:13 43:12 electric 1:5 4:23 6:20 8:10,12 14:21 15:13 16:13 17:9 27:10 34:4 employed 49:11 employee 49:10 employees 22:11	encompassed 27:19 energy 6:22 13:19 15:7 21:12 28:1 34:12,13 35:18,20 38:11,15,20 38:22 41:4 entered 9:12 entire 8:24 18:16 41:10 entities 6:10 14:12 16:3 16:6 35:12 entitled 31:7 entity 14:8,10 19:13 23:24 32:9,15,20 34:21 35:3 38:23 39:1 equal 40:8 41:13,17 equity 24:4,8,12,17,17 24:18 25:1 equivalent 5:12 ER 14:8 ESP 5:10 7:7 27:17,20 essentially 18:16 23:23 35:23 estate 22:1 ETP 27:6 everyone's 9:2 22:3 evidence 47:9 exact 26:19 exactly 9:7 EXAMINATION 4:4 examined 48:11 example 16:19 18:1 19:14 20:1,7,18,22 23:22 37:8 examples 23:5 excess 15:17 excuse 6:4 38:17 exhibits 9:3 existed 15:6,8 expect 33:23 expensive 23:20,21 24:5 experience 26:15 expires 48:16 49:17 explain 8:7 extended 46:21 <hr/> F fact 15:15 25:11 27:9 27:16 29:4,14,15 31:4,24 32:14,16,23 38:9 factor 38:20 factors 6:21,22,23 facts 47:9 fair 12:10 24:10 30:17 30:20 fairly 33:24 familiar 16:9,12,16	23:18 27:9 far 9:4 14:7 17:5 35:15 47:17 farming 5:4 8:10 Faruki 2:2 favorable 23:14,16 February 1:22 3:2 48:4 49:13 feel 20:22 21:3 22:17 feels 21:6 FERC 11:23 13:4 38:13,13,19,24 FERC-approved 38:11 figure 17:11 file 9:24 filed 5:7,9 filing 8:24 9:10,13 final 10:5 financially 49:11 financing 30:7 first 4:2 14:18 23:20 24:12 25:7,21 28:8 FirstEnergy 7:15 34:7 34:8,9,9,10,12,15,18 34:20,22,23 35:7,11 fit 12:23 27:4 five 26:10 fixed 40:19 46:20 focus 13:24 19:18 44:15,23 46:8 focused 36:20 follow 45:18 follows 4:3 39:6 forecasting 5:20 foregoing 48:3,9 49:7,8 form 38:6 48:5 formula 38:5 forward 13:8 four 5:12 frame 7:19 Franklin 49:3 fuel 10:13 11:22 12:15 12:17 31:20 36:7,13 36:24 37:18 fuel-related 11:22 31:21 36:7 full 4:9 function 19:7 functionally 29:17 function/distribution 19:7 <hr/> G gap 7:14 26:16,21 gas 4:23,24 6:20 7:9,20 7:21,22 8:12,14,17 28:3 37:3 Genco 34:24
--	---	---	--	---

general 12:14 17:5 19:11 31:22 36:24 generally 4:21,23 5:14 5:18 6:1 11:24 12:15 12:17 20:17 21:7 29:19,20 42:9,13 generating 17:1 34:17 35:24,24 37:7,10 41:24 43:19 generation 14:22 19:6 29:16 30:7,18 31:4,8 32:6,16,17,21,24 33:16 34:2,6,8,21,24 42:4,8 43:13 getting 22:22 28:17 40:19,20 41:3 Gibson 1:19 49:4,15 give 23:5,22 25:15 given 15:15 19:11,13 20:11 25:11 31:24 37:11 38:9 39:24 48:4 49:8 giving 26:6 go 17:5,17 21:12,24 26:14 36:22 40:9,16 47:20 goes 35:15 going 6:23 7:12 13:8,9 18:15 22:17 44:23 45:20 46:1 good 26:13 31:16 gotten 22:8 granted 12:11,13 groups 6:4 7:4 guess 7:12 27:1 40:14 42:24 <hr/> H <hr/> hand 49:13 handing 46:7 handled 41:17 happens 24:14,15 happy 26:10 hard 21:15 headquarters 18:1,6,19 18:22 hearing 15:5 23:7 hereinafter 4:2 hereto 48:4 49:10 hereunto 49:12 higher 13:14,20 21:19 24:1,18 33:17 36:3 40:10 highly 20:14 historic 35:10 historical 15:22 16:9 16:12 historically 14:5,16,17	17:18 20:4 hit 9:4,6,7 homes 35:15 horizons 22:1 hour 40:21 41:2 43:14 House 27:4 hypothetical 39:24 <hr/> I <hr/> IB1 45:4 Idaho 8:9 idea 38:3 43:7 identified 11:23 identify 7:2 II 9:3 III 9:3 inches 9:5 include 6:1 8:17 35:6 includes 29:5 including 18:22 incur 15:19 18:6 individual 6:6 industrial 5:3 11:1,2 industry 15:13 instance 17:12 19:18 21:18 31:17 39:10 instances 8:7 intended 32:13 41:12 interest 38:1 43:19 interested 49:11 intervenor 20:16 investment 37:21 involved 7:9,18,21 9:10 17:19 33:1 Ireland 2:2 isolated 5:20 isolation 23:11,12 issues 4:24 5:20 6:17 6:18 11:16 item 20:24 items 36:3 <hr/> J <hr/> J 1:18 3:6 4:1 48:3,7,9 49:5 Jackie 45:24 Jacqueline 2:7 Janine 1:20 2:6 Jeff 4:6 Jeffrey 2:2 John 4:10 jurisdiction 16:23 19:11,14 29:23 30:9 31:9,13 jurisdictional 6:13 25:21 26:2,2,4 33:16 38:6 jurisdictional/nonjur...	15:11 jurisdictions 16:20,24 19:19 32:14,21,22 <hr/> K <hr/> Karen 1:18 49:4,15 kilowatt-hour 12:21 kind 7:21 12:24 know 4:6,14 5:7 9:8 11:7 12:19 14:17 16:20,23 18:15,16,17 20:3,19 21:16 23:13 26:7 29:13,24 30:11 30:21 31:1,24 32:8 32:13 33:9,10,18,19 33:24 34:3,4 35:3,6 35:13 36:13,14 37:16 37:23,24 40:19,24 41:10 43:21 44:2,5,7 44:11,12,15,18 47:12 knowledge 41:24 42:6 42:14,22 KSG-5041 49:18 <hr/> L <hr/> L 1:20 2:6,7 labor 20:18 large 7:14 36:12 late 11:8 led 9:23,24 28:10 left 40:1 legal 4:9 43:19,22 let's 17:16 18:21 26:14 26:22,24 40:1 44:15 47:20 level 20:6 light 1:4,7,10,14 2:10 4:7 10:23 20:1 29:10 29:10 31:3 35:13 39:20 41:4 lighting 20:2 limited 17:6 line 12:1 25:18,19 35:17 literally 18:12 little 4:24 5:1 7:7 9:1,4 11:7 16:4 17:21 located 30:1 long 5:20 15:24 16:7,8 21:16 30:19 43:2 longer 33:21 look 6:19 10:1 11:9 37:22 looked 18:14 37:18 38:13,14,19 46:8 looking 6:20,21 8:18 10:14 12:23 22:13 23:11 31:23 37:17	45:22 46:12 lot 5:4 6:16 7:19 17:4 19:11 22:12 23:7 35:1 lower 13:20 14:3 31:7 35:24 Ludlow 2:3 <hr/> M <hr/> mail 28:13 major 21:6 making 32:16,23 33:8 35:4 manner 29:16 31:19 34:2 marginal 35:18,20,23 37:5,7,21 market 16:3 30:24 33:3 38:23 40:4 42:16,21 43:15 44:19 market-based 44:10,13 44:17,20 45:7 46:19 47:7,10,16 Marrinan 11:21 12:5 16:1 Marrinan's 36:8 materials 18:13 matter 1:3,6,9,13 4:8 8:22 matters 5:15 10:10 MBSSO 46:20 mean 5:24 15:3 16:17 17:22 18:12 26:19 30:23 33:14 34:7 37:17 41:16 42:24 47:10,15 meaning 8:15 16:2 35:24 39:11 42:16 43:13 meant 36:17 38:18 measure 20:19 21:12 megawatt 40:20 41:2 mentioned 8:4 17:8 23:1 26:16 Merit 49:16 merits 12:20 method 38:15 Migden-Ostrander 1:20 2:6 million 19:14,15 mimicking 25:12 minute 47:21 missed 32:10 misspoke 14:9 38:17 misunderstood 32:7 mixed 34:14 moment 34:16 Monday 1:22 3:1 48:4	money 18:15,15 30:6 40:23 month 43:6,6 moved 13:8 multiple 16:19 <hr/> N <hr/> name 4:6,9 7:16 34:16 named 49:5 names 34:14 natural 4:24 37:3 nature 4:21 5:14 8:16 34:24 nearly 38:24 necessarily 20:17 33:6 neither 43:17 never 37:18,19 new 40:5 nonaffiliate 22:6 nonaffiliated 16:5 35:4 nonjurisdictional 6:17 6:18 13:14 14:10,11 16:1,6 25:23 36:4 39:5,9 40:7 nonregulated 22:6 23:2 23:4,19 24:23 25:9 32:5,9,15,15,20 34:1 nonutility 17:19 non-EDU 17:12 18:7 20:5 21:20 31:19 normal 21:11 North 2:3 Notary 1:19 3:9,12 48:10,14 49:4,16 notes 3:9 noting 48:4 number 5:10 11:5,7,12 19:3,10 39:17 41:5 41:20 47:3 numerous 27:7 <hr/> O <hr/> object 44:1 47:8 objections 21:6 obviously 8:24 23:15 OCC 5:6,14,22 6:11,15 7:11 10:24 11:9 26:17 27:21,23 28:11 occasionally 5:3 occur 26:21 occurred 26:22 occurs 32:14 43:15 OCC's 10:3 offer 13:23 45:7 46:20 offered 5:15 office 49:13 offices 1:20 5:2 official 3:11
---	---	--	--	--

Oftentimes 19:8 Oh 36:19 Ohio 1:1,11,19,20,22 2:4,6,8 5:2 7:3 8:5 14:23 16:21,23,24 20:3 27:7,10 31:24 32:1 33:8,19 34:4 45:8 48:1 49:2,4,13 49:16 okay 4:16 5:5,9 6:8 7:2 7:13 8:21 9:22 10:2 10:10,20 11:4,11,18 11:20 12:3,18 13:11 13:24 14:16 15:1 17:24 18:3,21 19:18 21:18 24:7 26:12 27:2,15 28:19,22 29:22 30:10 32:12,13 33:5 34:20 40:3 42:3 42:6 43:17 45:2,5,11 45:19 46:12,18,23 47:4 old 40:24 ones 9:20 11:4 one-year 31:2 43:5 open 38:23 operate 4:16 operated 29:16 operating 15:16 29:11 operation 42:11 opinion 32:8 39:22 opportunity 13:15,18 14:12 15:12 16:2 36:4 38:9,14,18 39:5 39:9 40:7,18 41:5 opposed 8:15 42:20 47:11 order 9:20 42:1 45:21 46:7,24 orders 9:15 ordinarily 24:4 original 27:4 30:12,14 outlined 12:6 outside 8:5 overall 19:12 23:9,14 24:1,9,19,21 25:2 ownership 43:19,22 P Pacific 33:1 page 12:1,2 25:18 35:17 36:11 40:20 44:24 45:2,4 46:4,9 48:4 paid 30:6,17,19 35:18 42:10 paper 18:12 paragraph 45:2,4 46:3	46:4,5,10 part 15:6 22:3 26:3 27:4 30:8 36:14 particular 6:9 20:24 36:11,24 40:20 parties 3:6 20:16 49:10 49:11 pay 6:24 paying 26:4,5,11 35:19 40:10 pays 18:17 peak 21:12 37:11 pending 45:13 people 7:17 18:23 19:6 19:8 20:21 22:7,16 percent 19:16,16 20:24 21:3 39:6,8,8,13 40:5 40:6,6,15,15,18 percentage 24:16,16 40:11,16 percentages 39:4 percentagewise 24:18 period 27:22 43:14 46:22 permissible 32:20 permit 32:5 permitted 11:21 person 21:15,16 personally 13:3 44:13 pick 22:1 picking 13:7 piece 28:16 pile 9:5 place 49:8 plan 1:5,15 15:21 29:12 plant 26:5,5,6 38:21 Plaza 2:3 please 4:8 plus 31:11 point 13:11 43:10 points 41:21 pool 33:7,12,12,14 portion 6:24 40:4 position 41:22 possible 37:6,17 possibly 42:9 power 1:4,7,10,14 2:10 4:7 10:13,23 11:22 12:22 20:1 29:9,10 33:8,19 35:12 37:2 39:20 41:3 practice 15:22 precise 23:5 premise 12:6,14 prepare 8:21 presence 3:10 48:11 49:6 president	22:13 pretty 32:9 previously 46:24 price 15:18 33:17 38:16 priced 41:4 primarily 5:21,21 9:10 principle 23:18 prior 5:13 7:8,11 9:11 12:2 15:8,8 16:17 26:23 28:18 30:9 36:21 probably 5:16 6:15 7:18 9:1,4,19 19:16 21:23 22:12 34:14,14 38:15,19 problem 16:5 17:21 43:10 Procedure 3:8 procedures 16:15 17:5 process 16:10,13 32:2 produce 41:2 proof 3:11 proposal 20:11 28:14 31:11 35:22,23 37:16 propose 20:23,23 21:1 proposed 31:11 proposes 11:21 provide 30:22 45:6 46:19 provider 40:2 providing 47:6 proxies 23:10 Public 1:1,19 48:11,14 49:4,16 PUCO 9:15 42:1 46:7 purchased 10:12 11:22 12:22 37:2 purpose 15:16 pursuant 1:11 28:20 29:11 42:1 45:7 46:23 47:4 push 19:10 22:21 pushed 22:4,22 put 28:14 39:6 putting 40:13 P.L.L 2:2 p.m 1:23 47:24 Q qualification 3:12 qualified 49:4 question 16:11 17:6,16 20:21 23:8 25:4 32:7 32:11,13,21 36:17,21 39:18,19 40:16 41:12 41:14 43:9 44:2 45:13,17,18 46:15	questions 11:17 quicker 9:1 quote 12:5 quoting 12:4 R rate 5:17,21,23 6:4,5 6:19 8:19,20 19:12 19:15 20:19 21:1,2 23:6 36:11 39:12,20 44:10,13,14,17,20 46:21 47:7,11,16,17 47:18,19 ratemaking 38:5 rates 6:6 31:10 36:15 40:9 42:10 46:20 ratio 19:15 21:8 25:2 read 8:23 9:1,1 10:4,5 46:14,16 47:1,2 48:3 48:11 reading 9:24 10:7 46:13 48:10 real 22:1 really 18:19 38:12 44:12 reason 21:4 31:14,16 reasonable 20:17,22 38:16 reasons 14:5,14 recall 9:14,15 10:6,8,8 10:10,12,18,19,21 28:17 33:19 receive 13:20 43:13 receiving 42:4,7 recommend 25:20 recommendation 45:21 recommending 13:4 36:23 37:4 record 4:9 47:20,22 records 22:13 reduced 3:8 reducing 24:20 refer 35:18 referred 15:22 regarding 6:8 7:3 Registered 49:15 regulated 14:8 23:16 33:7 34:11 38:12 40:22,22,24 regulatory 4:24 26:3 32:2 relate 36:7 related 12:15,17 19:9 37:1 relative 39:4 49:10 remember 7:6 11:4,12 11:14 16:7 28:5 rephrase 13:17 43:9	Reporter 49:16 represent 4:7 46:6 request 28:23 requests 11:2 requirements 29:5 reserving 23:20 residential 2:9 8:15 35:15 38:1 residential/commercial 8:18 resources 13:19,20,21 14:3 17:1 21:20 25:21,22 26:1 35:19 36:1 38:11,22 41:4 respective 3:6 responded 28:14 response 28:20,24 responses 10:22 11:3 result 40:8 retail 6:9 7:24 13:13,22 14:1,4 15:14 22:4,22 31:6 35:7,9,10 40:9 41:8,18 42:24 47:6 return 5:17 23:6 39:12 39:12 Rev 1:11 revenue 22:11 review 8:21 9:11,21 10:2 reviewed 9:6,8 10:21 11:5 47:5 reviewing 6:2 9:15 Revised 1:7 45:8 RFP 28:13,16,17,20,23 right 18:24 21:7 22:12 22:12 27:3 28:4 43:13 46:12 rights 43:23 44:6 Roberts 2:7 44:1,5,11 44:18 45:12,15,19 46:3,15,18 47:8 room 23:7 roughly 26:21 round 5:11 RSP 27:11 44:23 45:6 Rules 3:8 S S 2:2 sale 30:24 39:9 40:17 41:4,5 sales 13:15,15,18,19 14:12 15:11,12,13,17 15:24,24 16:2,2,7 32:5,16,21,24 33:4,6 33:8,11 35:4,6,7 36:4 38:9,14,16 39:5 40:4 40:4,7,18 41:7,9,17
--	---	---	--	--

41:19 47:11 saw 45:16 saying 12:14,19,20 20:18 40:18 41:11 says 4:3 25:19 45:6 47:16 schedules 8:19,20 scheme 41:1,10 schools 5:3 seal 49:13 second 24:13 secondary 25:23 Security 1:5 see 10:14 35:20 36:20 40:15 45:8 46:10 seen 21:22 43:4 sell 26:8,10 35:11 selling 33:20,21 34:1,5 34:8,12,13 35:2,4,14 35:14 sells 34:17,18 Senate 27:5 29:4,6 sense 22:18,19 47:11 47:12 sent 11:17 sentence 45:16 separate 19:20 29:17 34:10 36:18 separated 31:5 42:1 separation 1:15 14:20 15:7 29:5,12 series 7:20 11:8 serve 25:21,22 served 15:21 42:15,20 44:9,16 service 6:2,2,20 13:23 30:1,13,14,16,22 35:8,11 43:3,3 45:7 46:20 47:6 service-type 21:11 Session 3:1 set 49:12 seven 11:23 13:4 share 18:1 24:10 30:17 30:20 40:11,13,16 Sharkey 2:2 4:5,7 28:22 44:4 45:14,17 45:24 46:4,17 47:20 sheet 36:18 show 44:22 45:20 showed 45:23 showing 46:2 side 6:20,20 8:10,12,13 8:14 28:3 46:13 signed 48:11 signing 48:10 similar 24:14 31:23	32:2 simple 26:10 simply 28:13 sitting 23:7 situation 19:22 situations 31:22 slightly 8:13 small 8:17 40:3 Solutions 34:10,15,18 34:22 somebody 26:8 somewhat 32:1 sorry 45:3,12 sort 11:13 23:12 44:21 source 24:5 speaking 11:24 21:7 29:19,20 42:9,13 specific 7:2 11:4 21:21 23:22 specifically 7:6 8:2 9:17 29:19 30:2 31:1 31:20 specified 49:8 speculate 44:3 spend 22:14 split 20:24 spot 30:24 42:16,21 43:1,15 SS 48:1 49:2 stabilization 46:22 standard 13:22 45:7 46:20 standpoint 40:22,23 stand-alone 25:13,13 25:14 start 14:18 started 27:23 starting 14:23 26:22,24 starts 12:2 20:15 25:19 state 1:19 4:9 19:21 48:1 49:2,4,16 stated 48:10 states 19:20 31:18 32:4 statutory 43:12 stenotypy 3:9 49:6 step 31:3 33:22 stipulated 3:5 47:16,17 47:19 stipulation 44:23 45:21 45:22 46:8,21 stipulations 3:4 9:11 stopped 7:22 straddles 16:19 straightforward 21:10 street 1:21 2:3,8 20:2 strike 16:10,10 17:16 18:3 25:17 29:23	33:23 37:9 40:9 strong 22:20 structurally 31:5 structure 23:8,10,15,17 24:20 studies 6:3,21 stuff 8:24 9:8 11:16 41:2 subject 10:10 submitted 48:10 substance 48:5 Sue 1:18 49:4,15 suggesting 21:1 Suite 1:21 2:8 supplier's 14:22 supplies 18:13 support 18:7,23 23:1 37:20 suppose 39:3 40:1 supposed 15:20 surcharge 36:11 sure 12:7,9 15:3 22:21 34:15,23 36:9 41:15 41:21 47:2,3 SW 2:3 sworn 4:2 49:5 system 6:23 T taken 1:18 49:6,8 talk 18:21 talked 20:9 talking 20:8 26:15 36:6 38:17 39:19 41:16 tariff 6:5 Tariffs 1:8 telephone 5:1 tell 14:2 27:24 31:3,6 tend 24:17,19 Teresa 36:8 term 30:22,23 36:2 39:6,7,14 40:6 42:16 42:20 43:2,13 47:13 terms 5:13 27:15 41:13 43:7 47:10 territories 35:8 territory 30:1,13,14,16 35:11 testified 5:5 7:3 testify 5:1 49:5 testimony 5:8,9,13,15 8:22 9:2 10:3,4,5,6 10:17 12:1 13:12 25:18 35:17 36:8,23 49:6,8 thick 9:5 thing 18:18 19:17 29:8 things 6:1 9:6 16:18	19:5 21:11,13,22 22:2 25:10 36:14 39:1 40:13 think 6:14 7:7,19 9:7 11:16,19 17:3 18:10 20:17 21:21,23 22:3 23:23 28:5,6,7,8,22 31:14 32:12 33:20 34:17 36:9 38:24 39:1 41:18 thinking 16:18 thought 13:5 15:4 22:7 31:16 32:19 34:21 37:19 three 22:16 time 5:21 7:16,19 11:19 15:8 22:14 23:13 33:20 43:14 49:8 times 5:5 21:22 today 16:16,17 29:2 token 43:2 told 32:19 46:23 Toledo 34:18 top 22:15 topic 8:5 11:6,13,14 26:14 total 12:24 20:18 touched 41:20 touching 17:11 traditional 38:4 traditionally 19:1 transaction 43:15 transactions 14:2 42:21 transcribed 3:10 49:7 transcript 48:3,9 49:7 transmission 14:20 29:17 31:6 treated 15:14 treating 40:17 treatment 14:9,11 treatments 15:9 true 15:7 25:24 48:5 49:7 truth 49:5 try 12:24 19:6 22:16 trying 6:24 17:11 18:20 23:12 two 5:19 6:1 14:13 17:13 19:20 27:11 28:11 two-year 27:22 type 18:18 19:16 38:23 39:1 types 20:20 typically 23:3 U	ultimately 20:21 umbrella 23:9 unaffiliated 16:2 unaware 31:22 undersigned 48:10 understand 11:20 12:7 12:9 13:11 15:23 35:22 38:4 41:22 understanding 13:2,2,3 23:6 30:4 47:5 uniform 6:23 unique 32:1 United 31:18 unregulated 22:21 23:24,24 32:23 upside-down 46:13 usage 6:21 37:11 user 8:17 uses 47:10 usually 6:18 8:17 21:4 24:14,15 Utah 8:11,12 utilities 1:1 14:7 15:24 20:3 21:24 23:12 27:7,10,17 34:5 35:14 utility 7:5 14:21,22 15:13,15 16:14 20:11 20:13,13,15 23:11,17 23:24 25:8,13,13,15 V valid 43:10 varied 20:11 varies 20:12 various 22:14 venture 5:7 versus 8:15 11:13 16:5 20:19,20 21:16 24:21 36:13 vis-a-vis 31:10 W waived 3:12 want 12:9 13:24 18:9 19:18 26:7 41:21 43:3 46:8,13,16 47:18 wanted 10:1 wants 32:10 wasn't 13:6 41:15 way 12:19 13:18 14:6 14:17 17:17,21 25:10 36:9 39:2 42:23 44:7 47:13 ways 19:4 week 21:16 went 41:8
--	---	--	---	--

weren't 22:4 41:9	10 1:21 2:3,8 12:1 17:5	92 7:19		
west 1:21 2:8 5:2	26:24 33:9	94 7:19		
We'll 39:6	12 38:15,20	98 19:16		
we're 40:18	120 41:3	98/2 20:24 21:3		
we've 27:16 41:20	14 49:17			
whatnot 17:2 21:13	15 17:5 21:23			
35:13 38:21	16 25:19			
WHEREOF 49:12	17 25:18			
wholesale 36:1 39:5,7	1800 1:21 2:8			
39:14 40:6	1980 4:19			
witness 3:7,11 5:19	1999 27:1,2			
11:20 12:4 13:5				
47:14 48:10 49:6,8	2			
49:12	2 1:22 3:2 19:15,16			
witnesses 10:3 13:6	25:18 26:23 29:5			
words 47:15	46:4,5,10 48:4			
work 5:2,3,4 6:10,13	20 39:7,8 40:6,17			
8:5,9 22:15 26:17	20-year 38:10,18			
27:5,6,13,15,19	200 11:8			
28:11,19	2000 9:19 14:23 15:2,9			
worked 7:11 27:24	15:23 16:18			
28:7,8	2005 44:22			
working 21:17 27:16	2008 48:12			
27:23	2009 1:22 3:2 48:4			
worth 19:14	49:13			
wouldn't 15:5,6 24:4	2010 49:17			
25:7 44:8				
writing 3:9	3			
	3 27:5 29:6 46:4,9			
Y	3:10 47:24			
Yankel 1:18 3:7 4:1,6	30 5:8			
4:10,12,17,22 48:3,7				
48:9 49:5	4			
Yeah 26:20 27:22	4 12:1 44:24 45:2,4			
31:16	4th 49:13			
year 7:10 37:11	40 5:8			
years 7:12 9:18 17:5	43215 2:8			
21:23 26:23,23,24	45402 2:4			
28:12,18 33:9 42:8	4905.13 1:12			
42:12	4928 45:8			
Y-A-N-K-E-L 4:10	4928.14(A) 45:8			
\$	5			
\$10 41:2	5 33:9 35:17 40:6			
\$100 19:14	500 2:3			
\$113 40:20				
\$20 41:2	6			
	6 9:5			
0	60 39:6,13 40:15			
05-276-EL-AIR 45:23				
08-1094-EL-SSO 1:4	7			
08-1095-EL-ATA 1:7	75 40:5,15			
08-1096-EL-AAM				
1:10	8			
08-1097-EL-UNC 1:14	8 26:22 35:17 40:20			
	80 26:8			
1				
1:30 1:22	9			