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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

PUCO

RECEIVED-DOCKETING DIV
2009 FEB -6 AM 10:28RE: DP&L ESP Filing, Case No. 08-1094-EL-SSO *et al*

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,

R. Holtzman Hedrick

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 Technician Am J Date Processed 2/6/09

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 Daniel J. Sawmiller, 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 Wednesday, February 4, 2009, at
1:30 p.m.

- - -

1 APPEARANCES:

2 Faruki, Ireland & Cox, P.L.L.

3 By Mr. Charles J. Faruki

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 Mr. Michael E. Idzkowski,

11 Ms. Jacqueline L. Roberts,

12 and Mr. Chris Allwein

13 10 West Broad Street, Suite 1800

14 Columbus, Ohio 43215

15 On behalf of the Residential Consumers of

16 The Dayton Power and Light.

17 ---

1 Wednesday Afternoon Session,

2 February 4, 2009.

3 ---

4 STIPULATIONS

5 It is stipulated by and among counsel for the
 6 respective parties that the deposition of Daniel J.
 7 Sawmiller, a witness called by the Applicant under
 8 the applicable Rules of Civil Procedure, may be
 9 reduced to writing in stenotypy by the Notary, whose
 10 notes thereafter may be transcribed out of the
 11 presence of the witness; and that proof of the
 12 official character and qualification of the Notary is
 13 waived.

14 ---

1 DANIEL J. SAWMILLER

2 being by me first duly sworn, as hereinafter

3 certified, deposes and says as follows:

4 EXAMINATION

5 By Mr. Faruki:

6 Q. Good afternoon, Mr. Sawmiller.

7 A. Good afternoon.

8 Q. You have a copy of your testimony in this
 9 case in front of you?

10 A. Yes, I do.

11 Q. What did you do to prepare for your
 12 deposition?

13 A. I reviewed the company's filing Book II
 14 and multiple testimonies inside that book. I was
 15 assigned to the DP&L case team here at the OCC and
 16 had multiple meetings with that team.

17 Q. These were meetings with counsel?

18 A. Yeah. There's counsel assigned to the
 19 team as well.

20 Q. The testimony that you prepared, did
 21 anybody help you write that testimony?

22 A. The testimony -- I prepared the
 23 testimony, and then I would circulate it to the case
 24 team for comment.

1 Q. Which portions of the DP&L filing did you
 2 review that -- well, in the preparation of your
 3 testimony?

4 A. Book II, the CCEM chapters and testimony
 5 related.

6 Q. Anything else?

7 A. I mean not specifically. I think there
 8 is, you know, a broad group of publicly available
 9 information, and I cited some reports specifically in
 10 my testimony that I reviewed. I used other utility
 11 filings and things of that nature too.

12 Q. But in terms of the portions of the
 13 company filing, of the DP&L filing, that you
 14 reviewed, that was just Book II?

15 A. Book II, that's correct.

16 Q. You agree you should not base any of your
 17 opinions in this case on speculation or guesswork?

18 A. Yeah, I think that's generally a good
 19 concept to abide by.

20 Q. You are not a lawyer, are you?

21 A. No, I am not.

22 Q. Are you an economist?

23 A. Yes, I am.

24 Q. And on page 1 of your testimony it says

1 you have a BS in finance; is that right?

2 A. That's right, from Bowling Green State
3 University.

4 Q. Do you have any other degrees?

5 A. No, I do not.

6 Q. It says you had your B.S. degree in
7 December of 2006, and you were employed by OCC since
8 July of '07. Were you employed in that intervening
9 six months or so?

10 A. Yes, I was. I had held various positions
11 between the time which included some construction
12 work, I worked for AFLAC as an independent sales
13 associate for a time, and I worked with a very small
14 investment group and helped to manage portfolios.

15 Q. Are you an accountant?

16 A. No, I am not.

17 Q. Are you offering any opinions in this
18 case on whether DP&L can meet the targets set forth
19 in Senate Bill 221 if it adopts your recommendations?

20 MR. IDZKOWSKI: Do you mean in his
21 testimony?

22 MR. FARUKI: Pardon?

23 MR. IDZKOWSKI: Do you mean in his
24 testimony or otherwise, Charlie?

1 MR. FARUKI: Well, at all in this case.
2 I intended it to be broad.

3 A. No, I am not making any opinions on
4 whether or not the company is going to meet the
5 benchmarks.

6 Q. Do you have any opinion with regard to
7 the concept of an infrastructure investment rider or
8 IIR as its called in the filing?

9 A. No, I don't have an opinion on the IIR.

10 Q. And the same with regard to the AER rider
11 in the case?

12 A. That's correct.

13 Q. With regard to the programs that DP&L
14 proposes in the CCEM set of programs, let me ask you
15 a few questions. Are these the types of programs
16 that you think would be helpful in meeting the
17 targets set forth in the statute?

18 A. I think the types of programs that would
19 be helpful in meeting the targets would need to be
20 cost effective. They would need to be managed
21 effectively going forward. You know, they would have
22 to have a proper evaluation procedure in place to
23 make sure that they're getting the savings that are
24 expected. I don't know that I have all the

1 information on these programs specifically to make
2 that determination at this point.

3 Q. What page are you looking at in your
4 testimony?

5 A. Page 5 there's a list of the proposed
6 residential CCEM programs that were included in the
7 filing starting on line 5.

8 Q. With regard to the list that's shown on
9 page 5 of your testimony, presuming these programs
10 were well managed, do you think these are the types
11 of programs that ought to be pursued by DP&L?

12 MR. IDZKOWSKI: When you say these types
13 of programs, first, you pointed him to a -- your
14 question is kind of two-part, Charlie. First, you
15 pointed him to the ones he lists, and then you said
16 these types of programs. Do you mean any programs
17 that could be similar to these or how do you mean
18 that?

19 MR. FARUKI: Yes, right, exactly.

20 MR. IDZKOWSKI: Could you repeat the
21 question, please.

22 (Question read.)

23 A. I think being well managed is one aspect
24 along with the others that I mentioned but these are

1 similar programs to what's been seen in other states
2 and other utilities.

3 Q. Okay. You didn't quite answer my
4 question. My question is do you think these are the
5 types of programs that should be pursued by DP&L?

6 MR. IDZKOWSKI: Do you understand his
7 question?

8 THE WITNESS: Yeah, I understand.

9 A. These are energy efficiency programs and
10 that's what needs to be pursued to meet the mandate
11 so.

12 Q. So the answer is yes?

13 A. So in that regard that they are energy
14 efficiency programs I don't think this is an
15 extensive -- or an end all list or that no other
16 programs other than the ones mentioned here could be
17 used for that same purpose.

18 Q. I wasn't suggesting that. I am still --

19 A. I just didn't want to suggest that with
20 my answer is all.

21 Q. Okay. You still haven't quite answered
22 my question. My question, sir, is are these the
23 types of programs that should be pursued by DP&L?

24 A. I just don't know that I can give you a

1 yes or no answer to that question without having the
2 procedures of what the programs are going to follow,
3 how they will be implemented, how they will be
4 evaluated. I think that there's some design
5 characteristics that aren't there that I couldn't
6 necessarily say yes or no to that question.

7 Q. So as you sit here today, is the
8 situation that you don't have an opinion one way or
9 the other on whether these should be pursued by DP&L?

10 A. I do have an opinion -- go ahead.

11 MR. IDZKOWSKI: I think he has answered
12 this, Charlie. Is that just another form of the same
13 question, or are you getting at something else?

14 MR. FARUKI: No. I am getting at
15 something else. Let me have her read my question
16 back.

17 THE WITNESS: Yeah.
18 (Question read.)

19 MR. IDZKOWSKI: These being?

20 MR. FARUKI: These programs on page 5.

21 MR. IDZKOWSKI: They are his list of what
22 is in the DP&L filing.

23 MR. FARUKI: I understand.

24 MR. IDZKOWSKI: Are you asking him about

1 whether these types are in general, or are you asking
2 him whether DP&L's types --

3 MR. FARUKI: I am asking him about this
4 list of programs on page 5.

5 MR. IDZKOWSKI: Whether DP&L's list --
6 this is his list of DP&L's programs so you are --

7 MR. FARUKI: You are not objecting now;
8 you are testifying?

9 MR. IDZKOWSKI: No.

10 MR. FARUKI: Okay. What's your
11 objection, if you have one?

12 MR. IDZKOWSKI: Do you understand what he
13 is getting at in the question, or would you like him
14 to rephrase the question in some way?

15 A. If you could rephrase it for
16 clarification.

17 Q. I am trying to figure out if you have an
18 opinion. You have one or you don't; it doesn't
19 matter to me whether you have one. What I want to
20 know is do you have an opinion as to whether DP&L
21 should pursue the programs that are listed on lines 5
22 through 14 on page 5?

23 A. I do have an opinion that I have offered
24 in my testimony is that the programs be evaluated

1 through the collaborative that I am proposing for the
2 final design and implementation evaluation
3 procedures. And that's where the determination would
4 be made to whether, you know, I could answer that
5 question yes or no, I would think.

6 Q. All right. So as you sit here today, you
7 are not offering an opinion that these programs
8 should be or should not be implemented; is that
9 accurate?

10 A. I would say my opinion is they should not
11 be implemented as I sit here today given the area of
12 my testimony that speaks to the marketing and
13 administration costs of the programs.

14 Q. You are aware that the company has
15 targets -- or legislation has targets for 2009?

16 A. Yes, I am aware of that.

17 Q. How long would you anticipate the
18 collaborative process to take?

19 A. I would think the collaborative process
20 would be ongoing. With some of the other
21 collaboratives I have been involved in, for example,
22 the Columbia Gas of Ohio collaborative, was
23 successful in designing a suite of residential and
24 commercial programs from the first to the day the

1 testimony -- or the filing was made for Columbia it
2 was about six months, a little less than six months,
3 and they would be able to start from the very
4 beginning to -- to file the final suite of programs,
5 but I think that the collaborative I am proposing
6 here would be ongoing in terms of evaluation,
7 providing new ideas for new programs, new
8 technologies and, you know, things of that nature.

9 Q. Well, you understand where I am going.
10 If you're -- given your opinion that these programs
11 should not be implemented until the collaborative is
12 passed on them and given the fact that it's already
13 February of '09, have you considered whether or not
14 the company would be able to meet the targets for
15 2009 if it didn't implement any of these until after
16 some months of a collaborative working on them?

17 A. I have considered that and that's been an
18 issue in some of the other collaboratives I have been
19 involved in and what's been done is to take a look at
20 a few specific programs that seem to have maybe a
21 quicker implementation phase to them, you can get
22 them moving a little bit quicker while some of the
23 others you take a little bit longer to make sure you
24 are doing them properly.

1 Q. Have you analyzed whether the company
2 could meet the targets for 2009 if it waited any
3 certain period of time for a collaborative to act?

4 A. I'm sorry. Could you repeat that.

5 MR. FARUKI: I will have her do it. She
6 will do a better job.

7 (Question read.)

8 A. I have not done a specific analysis on
9 that, no.

10 Q. Okay. You don't know whether or not the
11 implementation of a collaborative would impede the
12 company from meeting the goal for 2009, do you?

13 A. Given my experience in the other
14 collaboratives I think a collaborative could help to
15 meet those benchmarks in a more timely manner than
16 without.

17 Q. For 2009?

18 A. Yes.

19 Q. How so?

20 A. I think just as I have said with the
21 example I have given in AEP where some -- some
22 innovative ideas on how to get programs moving
23 quicker and proper I think could be helpful. I think
24 given there is a lot of work still to be done on

1 these programs I think that a collaborative could
2 help in moving that forward.

3 Q. Should a collaborative be established and
4 take some period of months in 2009 to review these
5 programs and the company not meet the targets, then I
6 take it you would support a waiver of the target for
7 that year; is that right?

8 MR. IDZKOWSKI: That's just asking him to
9 speculate. I am going to object on that basis, but I
10 am going to ask you to answer it if you can.

11 A. Yeah, I wouldn't want to guess whether or
12 not my office would support a waiver for 2009, but as
13 I have said, I think that the collaborative would
14 actually help these programs move forward quicker.
15 And I think that the members that would be involved
16 in the collaborative share a common goal to meet
17 these energy efficiency mandates and I think that
18 given that that would be one of the focuses of the
19 collaboratives, how can we do that in the quickest,
20 most cost effective way.

21 Q. They may share a common goal, but it's
22 not the members of the collaborative other than the
23 company that face a penalty if the target is not met;
24 is that correct?

1 A. That's correct.

2 Q. Did you have anything to do or any advice
3 or input with regard to the targets in the
4 legislation?

5 A. I assisted in drafting testimony, and I
6 believe there was some attachments to some testimony
7 that was provided by Janine when Senate Bill 221 and
8 House Bill 487 and, I don't know, there was another,
9 357 I think, when those were in front of the
10 legislature. I assisted in drafting and providing
11 comment on some of those, yes.

12 Q. You were not the witness; she was?

13 A. That's correct.

14 Q. Am I correct that the targets that are in
15 the legislation were the ones that OCC proposed?

16 A. I don't know if they are specifically as
17 proposed by OCC, but I think to my recollection it
18 was pretty close to what OCC was recommending, yes.

19 Q. When you were developing proposals for
20 targets in working on this testimony, did you also
21 work on or develop a suite of programs designed to
22 meet the targets?

23 A. No, we did not develop programs at that
24 time.

1 Q. Since have you done so?

2 A. Through the collaborative groups I have
3 worked on I have been involved with a number of
4 program designs and recommendations.

5 Q. Limiting the question just to electric
6 companies, do you have a list of programs that you
7 believe should be used to meet the targets?

8 A. I don't have a specific list. I think
9 that's -- that's a moving target and that's
10 constantly changing and it could be specific to a
11 certain utility's territory. I think there is a lot
12 of things that can come into play there, so a
13 specific list I think could be difficult.

14 Q. Just so my record is clear you don't have
15 any programs that you believe should be implemented
16 by DP&L to meet the statutory targets at this point;
17 is that correct?

18 A. No. I am offering -- in my testimony I
19 propose home performance programs which would provide
20 weatherization performance to residential customers
21 at income levels above those who would qualify for
22 the low income affordability program that was
23 proposed.

24 Q. Anything other than that that you believe

1 DP&L should use to meet the targets?

2 A. I don't know if I understand what you are
3 asking. If you could kind of narrow that down.

4 Q. Yes, sir. I am just trying to figure out
5 if you can tell me whether there is one or more
6 programs that you believe DP&L should implement as it
7 works to meet the targets.

8 A. Yeah. The home performance program is
9 one that I don't see in the list of the filed
10 programs and that's one that I would like to see in
11 addition but this is something that I am proposing to
12 be evaluated through the collaborative and get input
13 from -- from all the stakeholders on some other
14 potential programs that could be used.

15 Q. I understand that, but I want to know if
16 there are any programs that you would recommend today
17 that DP&L should use to meet the targets. You
18 mentioned the home performance program. Are there
19 any others?

20 A. There is a lot of programs out there. I
21 don't know there is one specifically that I would
22 recommend today right now.

23 Q. Okay. Do you consider the targets in the
24 legislation to be aggressive ones?

1 A. I would say the targets are aggressive,
2 yes.

3 Q. I am not sure if I asked you this
4 already, is it accurate you are expressing no opinion
5 in this case on whether the programs proposed by DP&L
6 would suffice to meet the targets?

7 A. No, I have not made an opinion on that.

8 Q. Now, let me go to the text of your
9 testimony and maybe while we are on page 5 I had a
10 couple questions about that. On page 5, lines 16,
11 17, and 18, tell me when you have read that sentence.

12 A. Yeah, I'm there.

13 Q. You understood why these three programs,
14 direct load control, time-of-use pricing, and peak
15 time rebate pricing were proposed to be commenced
16 after 2009?

17 A. Yes.

18 Q. And why was that?

19 A. There was the -- these programs, I think,
20 as it was proposed in the filing was in need of the
21 AMI, the advanced metering infrastructure, to be able
22 to allow the different pricing designs that would be
23 needed to offer these types of programs.

24 Q. You agree that the advanced metering is

1 necessary in order to implement these types of
2 programs?

3 A. I couldn't say that with certainty.

4 Q. Are you disagreeing, or are you saying
5 you don't know?

6 A. I'll just say that I'm -- I don't know on
7 that for sure.

8 Q. Are you expressing an opinion in this
9 case on whether or not the AMI or advanced metering
10 infrastructure is necessary?

11 A. No, I am not.

12 Q. Would you turn to page 1 of your
13 testimony.

14 A. I'm there.

15 Q. On pages 15 -- I'm sorry, lines 15 to 17,
16 you talk about the teams of which you have been a
17 member. Are those sequential, or have you been a
18 member of these concurrently?

19 A. That's concurrent. These teams are
20 always in place and evaluating a number of filings.

21 Q. And on page 3, line 2, what's the Ohio
22 Wind Working Group?

23 A. The Ohio Wind Working Group consists of a
24 large number of different stakeholders and they --

1 they look at different things related to wind in
2 terms of the -- how to get rules to the Ohio Power
3 Siting Board, we've been looking at issues in terms
4 of birds and bats and different environmental impacts
5 of the turbines, what's the feasibility of wind for
6 Ohio and in the Great Lakes, and just a real wide
7 variety of things related to wind.

8 Q. On that same page 3, lines 13 and 14, you
9 say that in connection with preparation of your
10 testimony in this case, you reviewed other Ohio
11 utility DSM filings. Can you tell me which ones?

12 A. I think I have cited a few in other
13 places in my testimony. There was some -- there is a
14 Duke Energy filing in now that I've reviewed briefly.
15 There's the Columbia Gas of Ohio filing that was a
16 result of the collaborative. The Dominion East Ohio
17 filing included some DSM language. That's just to
18 name a few of them.

19 Q. Where are you reading from?

20 A. Well, I just was reading where you had
21 directed me. I'm sorry.

22 Q. I thought you had a list.

23 A. No.

24 Q. And why were you reviewing those other

1 utility DSM filings?

2 A. Case assignments in other -- either
3 industry teams or for other cases, other case teams.

4 Q. But on page 3 your question 5 is what
5 have you reviewed in the preparation of your
6 testimony. And then you reference other Ohio utility
7 DSM filings, so my question is why are you looking at
8 those in connection with preparation of your
9 testimony in this case?

10 A. I was looking to see -- the Columbia and
11 Duke filings that I mentioned include their DSM
12 programs and their energy efficiency programs that
13 they were proposing to the Commission, so I was
14 looking at those for a comparison for other Ohio
15 utilities that I think I could see what kind of
16 comparisons and things could be made to the DP&L
17 filing.

18 Q. And what did you learn from that?

19 A. One of the things I looked at was the
20 costs that were allocated in the different programs
21 and how much is being spent in different areas and it
22 appeared to me after that review that DP&L's
23 marketing and administration costs were fairly high
24 in comparison. And I noticed also that through the

1 orders and other filings in these cases that
2 collaboratives have been approved in -- if I am
3 recalling correctly, every utility in Ohio has one at
4 this point besides DP&L.

5 Q. On the marketing and administration costs
6 of DP&L being high, that was by comparison to what,
7 Columbia?

8 A. I think I compared to -- I compared to
9 Columbia Ohio which had programs. I think the
10 highest program for marketing and administration in
11 that case was 8.3 percent, and then I compared to
12 Duke Energy of Ohio's programs as well. And I also
13 compared with a couple of programs that were in a
14 recently published document by the National Action
15 Plan for Energy Efficiency.

16 Q. That's the one you cite on page 3?

17 A. Yeah, in footnote 1.

18 Q. Did you make an examination of the
19 components of marketing and administration costs when
20 you were trying to determine how DP&L's marketing and
21 administration costs compared to the other utilities?

22 A. I did.

23 Q. And what did you find?

24 A. Just look at what was in there and that's

1 what helped me to form my definition in my testimony
2 what includes -- or what consists of marketing and
3 administration costs and what I was finding to be a
4 common thing was anything other than the incentive
5 that was to be provided by the program would be
6 considered marketing and administration and I think
7 in -- or I recall in the deposition of Maria Bulp
8 that she was in agreement with that definition.

9 Q. So is it your testimony that Columbia Gas
10 of Ohio and DP&L include the same things in marketing
11 and administration costs?

12 A. Columbia Gas of Ohio lists the monitoring
13 and evaluation portion of theirs separately, and I
14 think if I recall correctly, it comes to 2.3 percent
15 of their total program costs for monitoring and
16 evaluation which stays well below my recommendation
17 in this testimony.

18 Q. You recognize that for the majority of
19 its programs DP&L has two program cost components,
20 incentives and marketing and administration; is that
21 correct?

22 A. As I recall, yeah, there was incentive
23 and marketing and administration that was shown,
24 yeah.

1 Q. Have you tried to look at DP&L's
2 marketing and administration costs using Columbia
3 Gas's methodology for breaking down program costs?

4 A. Could you be more specific? I don't know
5 if I am understanding.

6 Q. Well, tell me what you think Columbia
7 Gas's methodology for breaking down program costs is.
8 What are the components?

9 MR. IDZKOWSKI: Can you read that
10 question back, please.

11 (Question read.)

12 MR. IDZKOWSKI: If you know.

13 A. There is a list. I don't know that I can
14 recall what's all in that list right now. It's
15 marketing the program, administering the program. I
16 can't recall what -- specifically what's on that
17 list. There is some outreach and education.

18 Q. As part of the marketing and
19 administration costs?

20 A. That's right.

21 Q. Let me ask it this way, do you remember
22 any of the components of Columbia Gas's breakdown of
23 program costs?

24 A. I just mentioned a few that I am

1 remembering, but to provide a comprehensive list, I
2 don't know that I can do that.

3 Q. And it's your testimony each of the ones
4 you mentioned are part of Columbia Gas's breakdown of
5 those costs?

6 A. I can't recall specifically right now,
7 no.

8 Q. Do you agree that these programs should
9 be evaluated based on a cost/benefit analysis?

10 A. Yes, they should be evaluated for cost
11 effectiveness.

12 Q. Should the TRC or total resource cost
13 test be used?

14 A. Yes. I would say that should be used.

15 Q. Should costs be examined on a
16 program-by-program basis?

17 A. I don't know if I understand what you are
18 asking specifically. Are you saying should each
19 program individually be evaluated?

20 Q. Yes, sir.

21 A. Yes, I would ask that -- I would think
22 each program would be evaluated.

23 Q. Are some of the programs more labor
24 intensive than others such as weatherization

1 programs?

2 MR. IDZKOWSKI: Are you comparing them to
3 all the rest, Charlie, or to --

4 MR. FARUKI: Programs being compared with
5 each other, yes.

6 MR. IDZKOWSKI: So that one is more than
7 all the rest of DP&L's that's filed?

8 MR. FARUKI: No. I didn't ask that. I
9 just asked whether some of the programs are more
10 labor intensive than others.

11 MR. IDZKOWSKI: And then you said for
12 example and you named one.

13 MR. FARUKI: I gave weatherization.

14 MR. IDZKOWSKI: Are you comparing that to
15 all the rest of the ones DP&L is offering?

16 MR. FARUKI: Why don't you read my
17 question back.

18 (Question read.)

19 A. I could see how the labor costs component
20 could be more intensive for some programs than
21 others.

22 Q. To the extent that a program is more
23 labor intensive, is it going to have a greater
24 administrative cost?

1 A. Compared to?

2 Q. A program that's less labor intensive.

3 MR. IDZKOWSKI: I'm sorry. Are you
4 saying all else being equal? Because these are broad
5 questions.

6 Q. It's a simple proposition -- let me put
7 it this way, it's a real simple proposition, to the
8 extent there is more labor involved in a program,
9 isn't there going to be more administration costs?

10 A. I think the administrative costs includes
11 a lot of other components and given in one program
12 labor costs may go up and other costs may go down, so
13 to speculate whether the total administrative cost
14 for that program would either increase or decrease I
15 think involves a lot of variables that aren't being
16 addressed in that question.

17 Q. Do you agree that programs should not be
18 deprived of administration funds if administration
19 funds are what it really takes to make energy
20 efficiency happen?

21 A. In some regards, yes. I think the
22 program would need to have, you know, merit, and it
23 would have to be cost effective but not just to say,
24 you know, add administration to offer a program.

1 There's got to be a comparison made to the benefit
2 provided for the dollars being spent.

3 Q. Do any efficiency programs have both a
4 fixed cost component and a variable cost component?

5 A. I would -- I would say, yeah, they would
6 have some costs would be fixed and some may be
7 variable.

8 Q. Can you give me examples of each?

9 A. I think, you know, maybe the incentive to
10 be provided would be fixed. To a certain extent I
11 think incentives over time would -- would change
12 given market conditions and, you know, penetration
13 rates and things of that nature, so the incentive
14 costs would in a way be fixed -- a fixed cost but
15 over time that could change and ultimately be a
16 favorable cost but some of the costs that would be
17 included in marketing and administration would be --
18 it could be variable in terms of labor and employees
19 but.

20 Q. Can you tell me any fixed costs?

21 A. I think the incentive costs would be a
22 fixed cost.

23 Q. Any others?

24 A. Without seeing a list of specific costs

1 I'm having trouble pulling and labeling fixed and
2 variable to different costs, I'm sorry.

3 Q. Tell me the definition of fixed and
4 variable costs that you are using.

5 A. I'm thinking of a fixed cost to be a cost
6 that -- I don't want to say is fixed but a cost
7 that's not going to change. I guess I am thinking of
8 it as constantly changing costs where variable costs
9 would be constantly changing.

10 Q. Are you done?

11 A. Yeah.

12 Q. Okay. Let me go back to your testimony,
13 some questions about low income programs. Have you
14 made an examination of low income programs that are
15 variable for customers of DP&L?

16 A. What do you mean by an examination?

17 Q. Do you know what low income programs are
18 variable for DP&L customers?

19 A. I know there is a home weatherization
20 program that's offered to the customers in DP&L's
21 territory at 150 percent of the Federal Poverty Line.

22 Q. Do you know any others?

23 A. Not that I can recall.

24 Q. Do you know how many customers are being

1 assisted by those programs?

2 A. I can't recall that number.

3 Q. Did you look at that number in preparing
4 your testimony?

5 A. I think I have come across that number.
6 I just can't recall now what it was.

7 Q. Sometimes you pause. I am not sure if
8 you are finished.

9 A. I'm sorry. Go ahead. Should I say stop?

10 Q. If you like. I don't want to say stop,
11 but you can say stop.

12 A. They used to say that for periods, right?
13 Stop?

14 Q. When I am looking at page 6 of your
15 testimony, when you are talking about a certain
16 percentage of the Federal Poverty Level, what is that
17 figure for a family of 4?

18 A. I wouldn't be able to give you that
19 without having that in front of me. That's a number
20 I would reference.

21 Q. And you are recommending on page 6 that
22 the low income affordability program be limited to
23 customers whose income is at or below 150 percent of
24 the Federal Poverty Level; is that right?

1 A. Could you point me to the line?

2 MR. IDZKOWSKI: Yeah. What line?

3 Q. Line 15.

4 MR. IDZKOWSKI: Can you repeat the
5 question, please?

6 (Question read.)

7 A. I'm offering that -- I am recommending
8 that it be limited to customers that are at or below
9 150 percent while stating that OCC would be open to
10 discussing a change to that so long as it promotes
11 consistently around the state. So the 150 would be
12 the position but open to discussion --

13 Q. So your --

14 A. -- for consistency.

15 Q. Your goal would be consistency around the
16 state without any examination of the demographics of
17 the population in DP&L's service territory; is that
18 what you are saying?

19 A. No. I think that the demographics are
20 examined in all the programs around the state, and so
21 in an effort to be consistent with other state
22 programs, I think that that's something that would be
23 evaluated. The demographics would play a role in
24 that.

1 Q. Well, I know they would play a role, but
2 did you make any examination of how many people in
3 DP&L's service territory were at or below
4 150 percent?

5 A. I didn't look exactly at the number of
6 people who are at or below 150 percent, but I have
7 seen information on current waiting lists and people
8 who are eligible for the weatherization as it is
9 currently and are waiting to receive that service so
10 that's why I make the recommendation of staying at
11 150 percent and using this funding to reach the
12 customers who are currently on waiting lists before
13 approving a new group of at-risk customers who might
14 not be quite as at risk as the group who is currently
15 eligible for the program.

16 Q. The waiting list you are talking about
17 was for the home weatherization assistance program of
18 ODOD?

19 A. That's right.

20 Q. I have a different question. Did you
21 look at the number of customers that were at or below
22 150 percent in DP&L's service area?

23 A. I can't recall if I looked at that number
24 or not.

1 Q. Did you look at the number of customers
2 between 150 percent and 200 percent of the Federal
3 Poverty Level in DP&L's service territory?

4 A. I can't recall if I specifically looked
5 at that number or not. I don't know --

6 Q. Did you look at the number of people
7 below 200 percent, again, in DP&L's service
8 territory?

9 A. I believe this is all information that I
10 looked at, but I can't recall any specifics.

11 Q. Do you have any basis for saying that
12 customers between 150 percent and 200 percent of the
13 Federal Poverty Level should be made ineligible for
14 this program?

15 A. I think for program consistency with the
16 HWAP program the program should stay at 150. If the
17 HWAP program was to move and address this customer
18 class, I think that DP&L program should move with it
19 and stay consistent, but I think to just move the
20 guideline from 150 to 175 or to 200 doesn't
21 necessarily provide weatherization to more customers.

22 Q. Well, isn't the group that's in the 150
23 to 200 percent an untapped group for efficiencies
24 under this program?

1 A. That's true and that's why I have
2 recommended the home performance program that I did.

3 Q. So what you are saying is that you exalt
4 the value of consistency with the ODOD program level
5 without regard to the number of people between 150
6 and 200 percent that would be served by the DP&L
7 program; is that correct?

8 A. I don't know that that's correct.

9 THE WITNESS: Could you restate that,
10 please, or read that back to me?

11 (Question read.)

12 A. By exalt could you tell me what you mean
13 by exalt?

14 Q. Sure. It just strikes me as odd that OCC
15 has taken the position that there is this group of
16 people between 150 and 200 percent which you've just
17 agreed is an untapped potential for efficiencies and
18 simply to be consistent with what ODOD has picked as
19 a level, you would say you don't think that group
20 ought to have the benefit of this program. I would
21 like you to explain that to me.

22 MR. IDZKOWSKI: Well, I think, Charlie,
23 he asked you to explain what you mean by exalt, and
24 you just asked him a different question.

1 MR. FARUKI: Well, I would like an answer
2 to my question.

3 MR. IDZKOWSKI: You characterized his
4 prior answer and asked him another question. Can you
5 answer for him if he needs to know what you mean by
6 the word exalt.

7 MR. FARUKI: No. He couldn't answer that
8 question, so I gave him another one.

9 MR. IDZKOWSKI: If you want his answer
10 to -- the record is as it is in this -- on this
11 question, so if you have an answer that you are
12 glad -- that you think is sufficient, ask him a
13 different question, but I think he asked you what do
14 you mean by exalt.

15 MR. FARUKI: Well, as you know, I get to
16 ask the questions, not him.

17 MR. IDZKOWSKI: He is asking you to
18 clarify your question.

19 MR. FARUKI: If he didn't understand the
20 question and wanted a clarification and I choose to
21 put a completely different question, that's my right.

22 MR. IDZKOWSKI: Sure.

23 MR. FARUKI: I will have her read it
24 back.

1 (Question read.)

2 A. I think that the consistency between the
3 other state program, the HWAP, which is set at the
4 same level currently as the EPP program, allows for
5 gas and electric efficiencies to do a comprehensive
6 weatherization service on a home. When you have a
7 program that goes above that level, you lose that
8 efficiency, and I think I'm not at all saying that
9 this is a group of customers that could not or should
10 not be tapped in terms of efficiency and I recommend
11 a home performance program that would -- that would
12 reach out to this group and it would be done on a --
13 on a cost share basis. I would assume that would
14 allow the dollars to be stretched even further to
15 allow more efficiencies to be gained with a lesser
16 dollar amount. It would have a smaller
17 nonparticipant impact and this -- this program would
18 reach out to the group between 150 and 200 percent.

19 Q. What efficiency are you talking about
20 that would be lost?

21 A. The -- the dollars used in the low income
22 affordable program and the same with HWAP are used to
23 provide weatherization service at no cost to the
24 customer. So to the extent that you have that

1 customer pay a portion of that program costs, it
2 would extend the dollars allocated to that budget.

3 Q. And you say -- you said this would be
4 done on a cost share basis, I would assume. What
5 does that mean?

6 A. Well, I think the program should be
7 evaluated through the collaborative that I have
8 proposed, but the reason I say that is that's the way
9 that it was designed in the -- in the Columbia filing
10 and that was done through the collaborative process.
11 It seems to be a good design.

12 Q. You mean sharing costs with the gas
13 company?

14 A. Sharing costs with the gas company is --
15 is a goal that I would have in mind but sharing costs
16 with the customer as well.

17 Q. On page 7, line 3, where you talk about
18 "may translate." Do you see that reference?

19 A. Yes.

20 Q. Are you speculating there when you say
21 "may translate"?

22 A. I don't know that I would necessarily
23 call it speculation. When you expand the number of
24 eligible participants to an increased level of the

1 Federal Poverty Line, that has the effect of making a
2 larger pool of eligible customers who won't be able
3 to receive this service because the funds are
4 limited.

5 Q. But you are aware that some customers
6 decline to participate; is that right?

7 A. Yes.

8 Q. Have you studied how many?

9 A. I've not studied specifically in numbers,
10 but I am aware of the -- of the issue, the barriers
11 that exist.

12 Q. What are those barriers you are talking
13 to?

14 A. Customers who are eligible and you
15 could -- you see potential energy efficiencies in
16 homes that folks don't want you to come in for
17 various reasons.

18 Q. The home performance program you
19 reference, you begin to discuss that at page 7?

20 A. Uh-huh.

21 Q. That's a yes for her?

22 A. Yes, I'm sorry.

23 Q. And what is the scope of a home
24 performance program as you are talking about it?

1 A. The home performance program would
2 provide weatherization services, but I think the
3 design characteristics and the nature of that program
4 is one that I would recommend be evaluated through
5 the collaborative, so it addresses DP&L's territory
6 and specific stakeholder interests.

7 Q. Looking at page 8 where you are
8 discussing criteria for a home performance program
9 and particularly starting about line 10.

10 A. Uh-huh, yes.

11 Q. How should such a home performance
12 program minimize unnecessary and undue ratepayer
13 impacts?

14 A. That would tie in with allowing for a
15 cost share, I think, by -- by the customer who is
16 going to receive the weatherization so that if I'm
17 a -- I'm a ratepayer, my dollars are going further
18 and accomplishing more than if that weren't the case

19 Q. I think I omitted to ask you a question
20 on a previous section of your testimony about low
21 income affordability. Take a look at page 7, lines 2
22 and 3, your opinion here is based on the premise
23 that -- as you say on line 2 that "the pool of
24 eligible customers is enlarged without an increase in

1 overall funding," if I understand that right?

2 A. That's right.

3 Q. But you are aware that DP&L's filing
4 includes an increase in funding over the level that's
5 made available today, or are you not aware of that?

6 A. I'm aware of that.

7 Q. So with that increased level of funding
8 the neediest customers have more of an opportunity to
9 getting help under DP&L's proposal than they do
10 today; is that right?

11 A. They would have more, but it's not the
12 most cost effective way to do it, I don't believe.

13 Q. On page 7, line 20, is it your
14 understanding that there's no -- that there are no
15 energy efficiency improvements available to customers
16 with incomes below 200 percent of the Federal Poverty
17 Level?

18 A. What I'm saying here is that programs
19 that would provide audits and energy efficiency
20 improvements for customers. I am speaking there to
21 the weatherization home audits.

22 Q. So you recognize that there are energy
23 efficiency improvement programs available to
24 customers with income below 200 percent of the

1 Federal Poverty Level; is that right?

2 A. In reading the company's filing and
3 testimony it did appear to me that some of the other
4 programs that were proposed were available to all, to
5 all income levels.

6 Q. Are you aware of any home audit program
7 that has a total resource cost test greater than 1?

8 A. A home audit program that has a TRC
9 greater than 1?

10 Q. Yes, sir.

11 A. Yes.

12 Q. Okay. What is that?

13 A. What program specifically?

14 Q. Yes.

15 A. I've looked at a lot of programs that
16 have had TRCs greater than 1.

17 Q. And I am just talking about home audit
18 programs at the moment.

19 A. Sure.

20 Q. And you are saying there are plenty of
21 those?

22 A. Yes.

23 Q. Can you name any of them?

24 A. I don't think without having them in

1 front of me. I would want to check and make sure
2 that I am citing the correct ones.

3 Q. Well, tell me the ones you remember, if
4 any.

5 MR. IDZKOWSKI: I think he's just
6 answered that question.

7 MR. FARUKI: Not quite.

8 A. I wouldn't want to name any without
9 checking the validity of what I am saying. I know
10 that -- I mean, different programs even though
11 similar would come with different TRCs all the time,
12 and I wouldn't want to state ones that have TRC
13 greater than 1 that may not have.

14 Q. Over on page 9 when you are talking about
15 collaboratives --

16 MR. IDZKOWSKI: What line?

17 MR. FARUKI: I don't have a line yet.

18 Q. In the answer to question 13 that begins
19 on page 9, you set out the purpose of a collaborative
20 on line 20 as two-fold, monitoring existing programs
21 and then second providing input on whether or not to
22 continue offering a program based on participants and
23 energy savings levels; is that right?

24 A. That's right.

1 Q. And those are the purposes you see of the
2 collaborative that you recommend?

3 A. No. My experience in collaboratives
4 typically the first meeting or two will have sort of
5 a governance aspect to it, and the collaborative will
6 ultimately determine itself what are our goals, what
7 do you mean to accomplish here, how are some of the
8 things going to be accomplished. That's what I would
9 expect.

10 I would think an ongoing goal of the
11 collaborative would be to monitor any of the existing
12 programs and to determine whether or not to continue
13 offering programs. It would include a number of
14 things and how to allocate funds, maybe shift funding
15 from one program to another based on performance
16 criteria.

17 Q. I am trying to just get an idea of the
18 scope. As I understand your answer, it runs from 9
19 onto 10, you've got the purpose being monitoring and
20 providing input as you say on 9 and then you add to
21 that making recommendations -- I'm sorry, I am on the
22 top of 10, making recommendations on two subjects,
23 new programs or technology and program design ideas.
24 Do you see that?

1 A. Yes, I see that.

2 Q. And so I think my question is is this
3 answer to question 13 the answer that sets forth your
4 ideas on the purposes and recommendations that the
5 collaborative would be engaged in?

6 A. I think it touches on a few of them.
7 It's not by any means a comprehensive list of
8 everything the collaborative could or should do. I
9 think that the collaborative ultimately would
10 determine itself what would be the scope.

11 Q. So today can you give me a more
12 comprehensive scope, or are you saying this is what
13 you have on pages 9 and 10 is as much as you can
14 specify today?

15 A. I could name a few.

16 Q. Go ahead.

17 A. To evaluate the market potential for
18 DP&L's service territory, to recommend any new
19 program ideas, to evaluate existing program ideas, to
20 determine whether or not that's the most appropriate
21 way to move forward, to determine any reallocation of
22 budget based on the evaluation, to determine how much
23 money should be spent for a particular program on
24 marketing and administration or evaluation, among

1 other things. I think that it's an ongoing,
2 constantly changing group.

3 MR. FARUKI: Off the record.

4 (Discussion off the record.)

5 Q. Back on the record. On page 11, footnote
6 9, you cite to a National Action Plan for Energy
7 Efficiency.

8 A. Uh-huh.

9 Q. That's a --

10 A. Yes.

11 Q. -- a report; is that right?

12 A. Yes. That's correct.

13 Q. As I understand it, you do not rely on
14 that report as a source for program cost details; is
15 that correct?

16 A. I've got two programs that I reference or
17 two reports rather than I referenced in my testimony
18 both in the National Action Plan for Energy
19 Efficiency and I think what this one is referencing
20 is the language that was in a report published in
21 November regarding the usefulness of collaborative
22 groups. I don't think that that report is regarding
23 program costs, no.

24 Q. Right, okay. A few more questions on

1 marketing and administration costs, and I am on page
2 11.

3 A. Sure.

4 Q. What you did is calculate a percentage or
5 proportion of costs for residential programs as a
6 percent of each individual's -- each individual
7 program's total cost; is that right?

8 A. That's right. The way it was proposed in
9 the filing was as a percentage of incentive, and so I
10 made that -- that change for comparison purposes.

11 Q. I'm sorry. What do you mean you made
12 that change for comparison purposes?

13 A. I just did the calculation over total
14 program costs to be able to compare with other
15 programs that I may not have had the specific
16 incentive for.

17 Q. I see. You did not focus on marketing
18 and administration costs as a percentage of total
19 benefits, did you?

20 A. I considered marketing and administrative
21 costs as a percentage of total program costs.

22 Q. And not as a percentage of benefits; is
23 that correct?

24 A. The marketing and administrative costs

1 were presented as a percentage of benefits in the
2 filing.

3 Q. And do you think that's an improper basis
4 on which to evaluate these programs?

5 A. I would say that's one way to do it. I
6 did it as a percentage of total program costs for an
7 easier analysis.

8 Q. Do you think either way is equally valid?

9 A. I don't know.

10 Q. You -- would you choose to pursue
11 programs that have a lower TRC, total resource cost,
12 number that had lower expenses? Do you think that's
13 desirable?

14 A. Lower TRC and lower expenses, that's your
15 example?

16 Q. Yes, sir.

17 A. I would be open to consideration of that
18 program. I can't say that just because a lower TRC
19 and has a lower cost makes it an effective program,
20 no.

21 Q. Earlier you referenced Columbia Gas
22 programs. Why -- well, do you know that those
23 programs provide a good benchmark for evaluating
24 administration costs of DP&L's programs?

1 A. I think given the extent that it's an
2 Ohio utility and some of the -- the programs that
3 were being looked at in the filing that were -- that
4 were referenced not being in Ohio, I think it
5 provides a further analysis and shows what programs
6 in Ohio have been able to accomplish in terms of
7 their proposed budgets and given that it's -- it's
8 significantly lower I think that it should be taken
9 into consideration.

10 I think the fact that it's, you know, the
11 highest program -- well, I think it varied but there
12 was five out of six, I believe the highest one was
13 8.3 percent, and to label it as a good benchmark and
14 say that the program should stay at 8 percent or
15 below, I just think it provides a further analysis
16 that wasn't used in the filing.

17 Q. What's the 8.3 percent figure you just
18 referenced?

19 A. That's the percentage of market and
20 administration costs to the total program costs for
21 one of the programs in the suite that was proposed by
22 Columbia and approved by the Commission.

23 Q. Do you think that the appliance recycling
24 program has a positive customer benefit?

1 MR. IDZKOWSKI: You mean in terms of a
2 TRC test?

3 MR. FARUKI: That's one way to answer it.
4 I wasn't limiting it to that.

5 MR. IDZKOWSKI: Do you mean --

6 MR. FARUKI: I was asking his opinion,
7 and then I will ask the basis of that, but I am not
8 going to channel that.

9 MR. IDZKOWSKI: I am just trying to
10 clarify it. Do you understand what he is asking?

11 A. You are asking if the appliance -- you
12 said appliance rebate program has a benefit?

13 Q. Positive customer benefit, yes. Tell me
14 what you are looking at.

15 A. I am looking at my attachment. I don't
16 have that description of that program in front of me,
17 so I am just trying to see what I had put in this.

18 Q. You are looking at DJS-1?

19 A. Yes. I can't recall the specifics of
20 that program, and I don't have that information in
21 front of me to say for that specific program.

22 Q. Have you made an examination of what the
23 major cost drivers are for any or all of these
24 programs?

1 A. I didn't see any information in the
2 filing that -- that would have allowed me to do that
3 analysis. I think the costs that are proposed here
4 are simply averages or numbers that were taken from
5 other utilities. I wasn't provided with anything in
6 the filing that would have allowed that analysis to
7 be done on these programs in the filing.

8 Q. Did you attempt that analysis for any set
9 of energy efficiency programs?

10 A. That analysis has been done through the
11 collaborative groups in some of the other utilities
12 that I have been involved in.

13 Q. And as a result of your work with them,
14 have you learned what major cost drivers are of
15 energy efficiency programs?

16 A. Sure. There's a variety of cost drivers.
17 One of them I think is marketing and administration
18 and so that's one.

19 Q. List the ones you know of.

20 A. You know, really any costs that can be
21 attributed to a program is going to drive the total
22 costs of that program.

23 Q. Can you list the major cost drivers for
24 me of these types of programs?

1 A. Monitoring and evaluation would be one.
2 Marketing would be one, and administration would be
3 one. Labor, I mean, I think the list goes on.
4 Again, without having a list of programs and all the
5 costs involved in front of me is difficult to pull
6 all those out.

7 Q. Are the ones that you listed the ones you
8 have in mind as the major cost drivers?

9 A. Those are the ones that come to me
10 offhand but there may be others that are more
11 significant in terms of driving the majority of the
12 programs' costs. I think I would include incentive
13 payments probably but.

14 Q. Are you familiar with any firms that
15 provide support or administration services for energy
16 efficiency programs?

17 A. Yes, there are firms that would provide
18 that.

19 Q. Do you know any of them?

20 A. I think some ones I am recalling offhand
21 I think Good Sense is the name of one. I don't know
22 why I am drawing a blank. Honeywell, I think there
23 are some HVAC contractors that provide these types of
24 services to the extent that they can. There's -- I

1 guess I'll stop there. I know there's plenty more.
2 I know the MidWest Energy Efficiency Alliance I heard
3 some information. There was a meeting there in
4 January and there was talk about firms there that
5 provide these types of services that are looking to
6 come to Ohio, and I just wouldn't be able to give you
7 names.

8 Q. That's fine. Would those types of firms
9 be a good source for data or information regarding
10 administration costs?

11 A. I think that could be -- could be one
12 source, and to the extent that they may have
13 information I think that firm -- you know, you could
14 look at past RFPs to see in a competitive market
15 what -- what are those costs, but I think that that's
16 one person that would be brought to the table. In
17 terms of the collaborative I am proposing to offer
18 information and other stakeholders may have input as
19 to whether their analysis of what's proper program
20 costs are accurate for the demographic that they are
21 in.

22 Q. Did you look at either RFPs or firms such
23 as the ones you mentioned for information about
24 levels of administration costs in preparing your

1 testimony?

2 A. Not specifically in preparation for this
3 testimony, no.

4 Q. Take a look at page 12, I think. You
5 agree that customer communication about these energy
6 efficiency programs is very important?

7 A. Could you give me a line, or are you
8 looking somewhere specifically on page 12?

9 Q. Line 4, although my question really isn't
10 about line 4.

11 MR. FARUKI: Why don't you read my
12 question back.

13 A. Yeah. I'm sorry.

14 Q. That's okay.

15 MR. IDZKOWSKI: Is it about page 12?

16 MR. FARUKI: Pardon?

17 MR. IDZKOWSKI: Is it about page 12?

18 MR. FARUKI: It's about customer
19 communications.

20 (Question read.)

21 A. Customer education -- yes, I would say
22 customer education on these programs is important. I
23 think that the dollars in the budget that are going
24 to be proposed to educate customers on a certain

1 program should be included in that program's budget
2 as opposed to a broad overview of education and
3 outreach. I think that the outreach and education on
4 energy efficiency is embraced throughout the state,
5 and I think that's another way that the collaborative
6 could help DP&L is that the outreach and education
7 that could be provided through the different
8 stakeholders.

9 Q. Some customer education is going to be
10 inclusive of more than one program; is that right?

11 A. There's a potential for that to happen.

12 Q. Is that a good idea to use customer
13 education dollars, if I can call them that, in such a
14 fashion that customers are educated about more than
15 one program at a time?

16 A. I think where -- where efficiency can be
17 gained those should -- those opportunities should be
18 evaluated and that should be done if it's capable but
19 to have just an overly broad program to provide
20 education and outreach and to have that included
21 again inside a program, I don't know if that would be
22 the most efficient way to do it.

23 Q. On page 12, lines 13, 14, and 15, you are
24 making a comparison between DP&L's figures and

1 figures for marketing and administration for other
2 utilities, right?

3 A. Other Ohio utilities.

4 Q. Yes. And have you done an analysis of
5 the components of the costs to make sure that you
6 have made an apples-to-apples comparison?

7 A. The analysis that I have done what was
8 offered to me in the filing there wasn't a lot of
9 detail around this so there were some questions asked
10 in deposition as to what -- what the company
11 considered to be included as marketing and
12 administrative costs for these programs. And I think
13 given the answers to those questions that it would
14 include the same things as I have defined it as in my
15 testimony. I think I was able to do an
16 apples-to-apples comparison between the other
17 utilities that I mentioned here.

18 Q. On page 12 in the sentence that ends with
19 footnote 12 where you refer to five of the six
20 programs of Columbia Gas, do you remember what the
21 programs were?

22 A. There was a home performance program.
23 There was a program that was offering low flow shower
24 heads and some other incentives on appliances of that

1 nature. There were furnace rebates. I can't
2 remember specifically what all those were without
3 having that in front of me, I'm sorry.

4 Q. On page 13, actually runs from 12 onto
5 13, you have reference to three of the four programs
6 in another study. Do you remember what utilities
7 those programs covered or were from?

8 A. If I recall correctly, one was Southern
9 California Edison, one was Avista, one was the Puget,
10 Puget -- I can't.

11 Q. Puget Sound Energy?

12 A. Yeah, that would be it and then -- did I
13 name four?

14 Q. You named three so far.

15 A. There was a fourth one. I don't know if
16 I recall what the name of that one was right now.

17 Q. Do you know when those programs were
18 implemented or -- I will withdraw that.

19 Do you know what the time period was for
20 the programs that were examined in that study?

21 A. I don't recall. That document was
22 published in November of 2008 so I think it would be
23 reasonable to assume it was a fairly recent study.

24 Q. On page 13, lines 4 and 5, I want to make

1 sure I understand, your recommendation is that the
2 Commission order DP&L to lower its marketing and
3 administration costs to be below 25 percent of the
4 total costs of each individual program; is that
5 right?

6 A. That's right.

7 Q. The exhibit, I had a question on your
8 exhibit --

9 A. Can we go back? Could you ask me that
10 question again? I want to make sure I answered it
11 correctly.

12 MR. FARUKI: Have her read it back.

13 (Record read.)

14 Q. Do you want to add anything?

15 A. If I could just think about that for a
16 second to make sure.

17 Q. You can think about that. I never object
18 to thinking.

19 A. Yeah, I am talking about -- I just want
20 to be clear, I think we are on the same page, but I
21 am saying for each individual program as you evaluate
22 one program by itself, my recommendation is the 25
23 percent for that each individual program. Some of
24 the analysis I have done here that you've seen takes

1 an average of the total suite of the residential
2 programs. What I am talking about here is for each
3 individual program should be --

4 Q. Yes.

5 A. -- at or below 25 percent and I say
6 there, you know, unless otherwise modified by the
7 collaborative and there's been some programs in some
8 of the other collaboratives that have gone above the
9 25 percent were still deemed to be cost effective by
10 the stakeholders in pursuit regardless.

11 Q. And for DP&L's situation when it's facing
12 these state-mandated or legislatively-mandated
13 targets, the fact that it has to meet targets also
14 needs to be considered in the determination of which
15 programs should be implemented; is that right?

16 A. The energy efficiency benefits of the
17 program is one aspect of the program that needs to be
18 considered and that's a goal of I think all the
19 stakeholders to meet that as you said earlier,
20 ultimately it falls on DP&L, but in terms of the
21 marketing and administration costs, I think when
22 proposing a program, this is what you are going to
23 ultimately use as your budget, so you start with your
24 budget, and then you determine from that point how do

1 you spend your money and where does it go. And so to
2 the extent you can keep your budget at 25 percent and
3 below, that will help to keep the marketing and
4 administrative costs for a program at an appropriate
5 level.

6 Q. But if more marketing costs are necessary
7 in order to meet the statutory target, then the
8 company is going to have to spend that; is that
9 correct?

10 A. That's something that should be
11 considered if it goes above 25 percent but I think
12 the -- what I've seen in the filing and the way
13 proposed, simply averaging multiple utilities to come
14 up with that number, is not a really efficient way to
15 accomplish that, and I think there is a -- there is a
16 level where if you spend too much on marketing and
17 administration, you can introduce so much program
18 participation that your incentives run out, and then
19 you haven't accomplished the proper amount of savings
20 or the potential amount of savings. So in
21 determining that I think the 25 percent is a good cap
22 for that.

23 Q. Take a look at your DJS-1 exhibit.

24 A. Sure.

1 Q. Tell me the purpose of this exhibit.

2 A. Just for illustration purposes. I did
3 this for clarification myself. Like I said, the
4 filing as it was presented in -- lists these costs at
5 a percentage of incentive, and I thought that to aid
6 in discussion and for my own clarification the fact
7 that I was talking in terms of program -- total
8 program costs it would be easier to see this instead
9 of just writing in words how I had changed the
10 percentage of incentive to the percentage of total.

11 Q. Am I reading this correctly that under
12 time-of-use pricing you are showing 100 percent of
13 the costs of that program as being administrative and
14 marketing costs?

15 A. That's what -- that's as was stated in
16 the company's filing, yes.

17 Q. And do you think it would be?

18 A. Not necessarily. I mean, to the extent
19 there is no incentive enrolling in a program, I don't
20 see why it would be -- I believe there is an
21 incentive to the program.

22 Q. And did the company propose an incentive
23 as part of that program?

24 A. They didn't include any costs of

1 incentive, but the incentive is -- is apparent that,
2 you know, there would be a credit on a bill or
3 something depending on the time that you use your
4 energy but that -- that credit amount or whatever the
5 case may be is not depicted in the incentive cost.

6 Q. And what's the source of your information
7 for that line item?

8 A. That came from -- I believe that was
9 pulled from the testimony of the Company Witness
10 Maria Bupp.

11 Q. The one underneath it, "peak time rebate
12 pricing," you have also got 100 percent of the costs
13 being shown as for marketing and administration; is
14 that correct?

15 A. That's correct, and that came from the
16 same -- the same source. I believe there was even
17 language in there that clarified that. It said
18 something along the effect of given that this program
19 provides no incentive it's been allocated all towards
20 marketing and administration. I don't know that --
21 just --

22 Q. Well, the very name of the program
23 includes the word "rebate," right?

24 A. That's right but it didn't include any --

1 Q. So your reading of the filing is neither
2 of these programs had any incentives?

3 A. My reading of the testimony that's cited
4 for this chart there was language in there that said
5 that no dollar amount was being allocated towards the
6 incentive.

7 Q. Okay. Do you think you are misreading
8 the filing? Did you look at the chapters in the book
9 that described the program?

10 MR. IDZKOWSKI: Are you asking him to
11 speculate whether he has misread the filing, Charlie?

12 MR. FARUKI: No. I am asking him if he
13 looked at the chapters in the book that described the
14 program.

15 A. I did look at the chapters in the book.
16 This -- when I made this chart, this was in reference
17 to the language in Maria Bupp's testimony.

18 Q. What did the chapters of the filing tell
19 you?

20 A. I don't recall. I didn't spend a lot of
21 time looking into the time-of-use and the peak time
22 rebate pricing. I can't recall exactly what -- what
23 was said of those two programs.

24 Q. Earlier in the deposition you told me

1 that or agreed with me that the targets that were set
2 in the legislation were aggressive. Given that do
3 you think that the programs have to be aggressive to
4 meet these targets?

5 A. I don't necessarily believe you could
6 label the programs as needing to be aggressive given
7 that design elements of a certain program could make
8 that program achieve a large amount of efficiency
9 without necessarily being labeled as an aggressive
10 program, so I don't know if that's a fair label to
11 put on them, but I think the collaborative that I am
12 proposing and the company ultimately should be
13 aggressive in pursuing the new technology and new
14 programs that might become available and keep on
15 track with new programs that may become available and
16 potential changes to the programs as it is proposed
17 in this filing.

18 Q. Go back to page 12, line 20. Were any of
19 the three programs that are referenced in this NAPEE
20 document conducted in environments with
21 state-mandated targets?

22 A. I don't recall.

23 MR. FARUKI: Off the record.

24 (Recess taken.)

1 Q. Just a couple more questions. Is it your
2 position that the collaborative rather than the
3 company should make the spending decisions with
4 regard to energy efficiency programs?

5 A. What I would propose, and I think we
6 talked about this a little bit earlier in some
7 regard, the initial meeting of the collaborative
8 would have kind of a governing feel to it, and the
9 collaborative would discuss that with the company's
10 input and the multiple stakeholders. They would
11 decide what -- what kind of ultimate input, you know,
12 how will your input be considered, you know, those
13 issues of voting, nonvoting, and things of that
14 nature I think was something that the collaborative
15 would determine itself so that everybody is onboard
16 as opposed to something that's, you know, forced by
17 the Commission or something of that nature, so
18 everybody would, in essence, settle on what they --
19 what they want.

20 Q. And if DP&L wanted to reserve the final
21 decision to itself as to expenditure of dollars, do
22 you have a problem with that?

23 A. I think the terms and conditions around
24 that language would be -- would be important just

1 simply to avoid you don't want to set up a
 2 collaborative that's meant to help the company
 3 achieve its goals and to help energy efficiency in
 4 general and to -- I wouldn't want the language that
 5 would allow that to be taken lightly and, you know,
 6 people kind of meet and then you leave and the
 7 company does -- doesn't take any input and things. I
 8 would want to avoid that, but to the extent at that
 9 time the collaborative would agree to that, you know,
 10 that's -- that would be fine but I think that --
 11 that's something that would need to be discussed and
 12 make sure that people have an avenue through the
 13 collaborative to provide their input and to believe
 14 that it's -- it's considered.

15 Q. In other words, that people's input would
 16 be taken seriously?

17 A. Sure, of course.

18 MR. FARUKI: Off the record.

19 (Discussion off the record.)

20 (Thereupon, the deposition was concluded
 21 at 3:34 p.m.)

22 ---
 23
 24

1 CERTIFICATE

2 State of Ohio :
 : SS:

3 County of Franklin :

4 I, Karen Sue Gibson, Notary Public in and for
 the State of Ohio, duly commissioned and qualified,
 5 certify that the within named Daniel J. Sawmiller was
 by me duly sworn to testify to the whole truth in the
 6 cause aforesaid; that the testimony was taken down by
 me in stenotypy in the presence of said witness,
 7 afterwards transcribed upon a computer; that the
 foregoing is a true and correct transcript of the
 8 testimony given by said witness taken at the time and
 place in the foregoing caption specified and
 9 completed without adjournment.

10 I certify that I am not a relative, employee,
 or attorney of any of the parties hereto, or of any
 11 attorney or counsel employed by the parties, or
 financially interested in the action.
 12

13 IN WITNESS WHEREOF, I have hereunto set my
 hand and affixed my seal of office at Columbus, Ohio,
 on this 5th day of February, 2009.

14
 15
 16 Karen Sue Gibson, Registered
 Merit Reporter and Notary Public
 in and for the State of Ohio.

17 My commission expires August 14, 2010.

18 (KSG-5042)
 19
 20 ---
 21
 22
 23
 24

1 State of Ohio :
 : SS:

2 County of _____:

3 I, Daniel J. Sawmiller, do hereby certify that
 I have read the foregoing transcript of my deposition
 4 given on Wednesday, February 4, 2009; that together
 with the correction page attached hereto noting
 5 changes in form or substance, if any, it is true and
 correct.
 6
 7

8
 9 _____
 Daniel J. Sawmiller

10 I do hereby certify that the foregoing
 transcript of the deposition of Daniel J. Sawmiller
 was submitted to the witness for reading and signing;
 that after he had stated to the undersigned Notary
 11 Public that he had read and examined his deposition,
 he signed the same in my presence on the _____ day
 12 of _____, 2009.
 13

14
 15 _____
 Notary Public

16 My commission expires _____,
 17 ---
 18
 19
 20
 21
 22
 23
 24

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