

1 BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

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3 In the Matter of the :  
4 Application of The Dayton :  
5 Power and Light Company : Case No. 08-1094-EL-SSO  
6 For Approval of Its :  
7 Electric Security Plan. :

8 - - -

9 PROCEEDINGS

10 before Kimberly Bojko, Hearing Examiner, at the  
11 Public Utilities Commission of Ohio, 180 East Broad  
12 Street, Room 11-C, Columbus, Ohio, called at 10:00  
13 a.m. on Thursday, February 19, 2009.

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21 ARMSTRONG & OKEY, INC.  
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- - -

## 1 APPEARANCES:

2 Faruki, Ireland &amp; Cox, PLL

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5 Dayton, Ohio 45402

6 The Dayton Power and Light Company

7 By Judi L. Sobecki

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9 On behalf of the Dayton Power and  
Light Company.

10 Janine L. Migden-Ostrander

11 Consumers' Counsel

By Jacqueline Lake Roberts

12 Michael E. Idzkowski

Richard Reese

13 Gregory J. Poulos

Assistant Consumers' Counsel

14 Office of the Ohio Consumers' Counsel

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16 On behalf of the Office of the  
Ohio Consumers' Counsel.

17 Ohio Hospital Association

18 By Richard L. Sites

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## 1 APPEARANCES: (Continued.)

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6 The Ohio Environmental Council  
7 By Nolan Moser  
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10 On behalf of the Ohio Environmental  
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12 Ohio Partners for Affordable Energy  
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17 On behalf of the Ohio Partners for  
18 Affordable Energy.

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23 On behalf of the Ohio Manufacturers'  
24 Association.

25 Vorys, Sater, Seymour & Pease, LLP  
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Constellation Energy Group  
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On behalf of the Constellation Energy  
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## 1 APPEARANCES: (Continued.)

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14 On behalf of the Dominion Retail, Inc..

15 Craig I. Smith  
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17 Cleveland, Ohio 44120

18 On behalf of the Cargill, Incorporated.

19 Schottenstein, Zox & Dunn Co., LPA  
20 By Christopher L. Miller  
21 Andre Porter  
22 250 West Street  
23 Columbus, Ohio 43215

24 On behalf of the City of Dayton.

25 Chester, Willcox & Saxbe, LLP  
By John W. Bentine  
Mark S. Yurick  
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On behalf of the Kroger Company.

1 APPEARANCES: (Continued.)

2 Public Utilities Commission of Ohio

3 Richard Cordray, Attorney General

4 Duane Lucky, Section Chief

5 By Thomas Lindgren

6 Thomas McNamee

7 Assistant Attorneys General

8 Public Utilities Section

9 180 East Broad Street

10 Columbus, Ohio 43215

11 On behalf of the Public Utilities  
12 Commission of Ohio.

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1 Thursday Morning Session,  
2 February 19, 2009.

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4 EXAMINER BOJKO: Let's go back on the  
5 record.

6 This is a continuation of Case No.  
7 08-1094-EL-SSO, et al., being in the Matter of the  
8 Application of the Dayton Power and Light Company for  
9 approval of its electric security plan.

10 My name is Kim Bojko. At this time the  
11 parties have already given appearances in this record  
12 and at this time the company, Mr. Faruki, would you  
13 like to add something?

14 MR. FARUKI: Yes, your Honor. Let me  
15 summarize briefly what the parties have told you off  
16 the record.

17 We are making good progress toward a  
18 settlement. We have an objective, we, the company  
19 have an objective of a settlement that has all  
20 parties on the stipulation. We're not there yet

21 I would hope that we can get to the point  
22 of finalizing the stipulation and circulating it for  
23 signatures and gathering signatures Friday and Monday  
24 and, therefore, request that this evidentiary hearing  
25 be continued until Tuesday.

1                   And I believe Ms. Roberts has a motion  
2 with regard to her reply memo on the pending OCC  
3 motion. We do not oppose an extension for them on  
4 that reply memo.

5                   EXAMINER BOJKO: First I'd like to ask  
6 is there any opposition to the continuance of the  
7 hearing until February 24 at 10:00 a.m.?

8                   Hearing none, Ms. Roberts, do have you  
9 another matter for us today?

10                  MS. ROBERTS: Yes, your Honor, I would  
11 move for a stipulated extension of time on our reply  
12 to the company's memoranda contra in response to our  
13 motion to strike the majority of their case.

14                  And because we're reconvening on Tuesday  
15 and will know whether we have a stipulation on  
16 Tuesday, I would ask for that to be continued until  
17 Thursday so that we have enough time to prepare, if  
18 that's necessary.

19                  EXAMINER BOJKO: Thursday of the -- the  
20 26th?

21                  MS. ROBERTS: Yes.

22                  EXAMINER BOJKO: Is there any opposition  
23 to the extension of OCC's reply to Dayton's memo  
24 contra?

25                  MR. FARUKI: No, your Honor.

1 EXAMINER BOJKO: Let the record reflect  
2 that no parties have opposed the extension of the  
3 reply memorandum or the extension of the hearing  
4 until February 24th, 10:00 a.m.

5 Is there any other matters to be brought  
6 before us today?

7 Hearing none, the hearing will be  
8 continued until February 24th at 10:00 a.m. Thank  
9 you.

10 MR. FARUKI: Thank you, your Honor.

11 (Off the record.)

12 (Hearing concluded at 10:15 a.m.)

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CERTIFICATE

I do hereby certify that the foregoing is a true and correct transcript of the proceedings taken by me in this matter on Thursday, February 19, 2009, and carefully compared with my original stenographic notes.

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Julieanna Hennebert, Registered  
Professional Reporter, and  
Notary Public in and for the  
State of Ohio.

My commission expires February 19, 2013.

(JUL-1377)

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**This foregoing document was electronically filed with the Public Utilities**

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**Case No(s). 08-1094-EL-SSO**

Summary: Transcript Dayton Power & Light 2/19/09 electronically filed by Mrs. Jennifer Duffer on behalf of Armstrong & Okey, Inc. and Hennebert, Julieanna Mrs.