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Public Utilities
Commission of Ohio PUCO

2009 MAR 19 AM 11:43

Dayton Power
and Light Company

Electric Security Plan
Case No. 08-1094-EL-SSO

Date Taken: 2-26-09
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PUBLIC UTILITIES COMMISSION OF OHIO

HEARING

* * *

TRANSCRIPT OF PROCEEDINGS

* * *

DATE OF HEARING: Thursday, February 26, 2009
Beginning at 12:58 p.m.

PLACE OF HEARING: 101 West Third Street
Dayton, Ohio 45402

BOARD OF COMMISSIONERS: Cheryl Roberto

ALSO PRESENT: Kimberly W. Bojko,
Deputy Director

* * *

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1 MS. BOJKO: We will now commence the
2 official record of the local hearing. The Public
3 Utilities Commission of Ohio has assigned a
4 public hearing at this time and place, case
5 number 08-1094-EL-SSO, et al., being captioned in
6 the matter of the application of the Dayton
7 Power & Light Company for approval of its
8 electric security plan. Dayton Power & Light is
9 also seeking approval of revised tariffs, certain
10 accounting authority and its amended corporate
11 right.

12 As I stated before, my name is Kim
13 Bojko. I am an attorney examiner in the
14 Commission's legal department and I am one of two
15 attorney examiners assigned to the case before
16 us. Again, this is Commissioner Roberto here
17 with me today at the table. She is one of five
18 commissioners that will hear the case.

19 If you have a question concerning
20 the utility matter, other than DP&L's electric
21 security plan application that is before us,
22 which is the focus of today's hearing, commission
23 staff and the consumers' counsel will be happy,
24 I'm sure, to answer your questions.

25 I would also note that there are a

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1 number of parties who have filed motions to
2 intervene, and that is so they can participate in
3 the proceedings at the commission. They
4 participate in the entire proceeding of this
5 including tonight as well as evidentiary matters
6 the commission does hear. At this time I will
7 ask counsel for the Dayton Power & Light Company
8 and the interveners that are present to make an
9 appearance.

10 MR. FARUKI: Good afternoon, again,
11 your Honor. My name is Charles Faruki on behalf
12 of DP&L. After we make appearances I can also
13 add to the record the newspapers in which notice
14 was published.

15 MS. BOJKO: All right. Mr. Reese,
16 from the office of the Ohio Consumers' Counsel.

17 MR. REESE: Thank you, your Honor.
18 On behalf of the residential rate payers of
19 Dayton Power & Light and on behalf of the Ohio
20 Consumers' Counsel, I'm Richard Reese, assistant
21 consumers' counsel, address is 10 West Broad
22 Street, Columbus, Ohio, Suite 1800. Thank you.

23 MS. BOJKO: I do not believe that
24 there are any other interveners present today. I
25 do not see any. I would like at this time,

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1 Mr. Faruki, for you to explain the newspaper
2 publications.

3 MR. FARUKI: Yes. Thank you, your
4 Honor. In addition to the publication of notice
5 in the Dayton Daily News, which covers most of
6 Butler County, part of Champaign, and all of
7 Clark, Darke, Greene, Miami, Montgomery, Preble
8 Counties, part of Shelby County and most of
9 Warren County, notice was published in the
10 following newspapers: In Champaign County in the
11 Daily Citizen, in Clinton County in the News
12 Journal, in Fayette County in the Record Herald,
13 in Greene County in the Xenia Daily Gazette,
14 Logan County in the Bellfontaine Examiner, and
15 Mercer County in the Daily Standard, in Miami
16 County in the Troy Dialy News, Shelby County in
17 the Sidney Daily News, and Warren County in the
18 Western Star. I just wanted to make that of
19 record.

20 MS. BOJKO: On October 10, 2008,
21 Dayton Power & Light filed applications with the
22 PUCO to establish a standard service offer for
23 retail electric services, and that was based on
24 an electric security plan. I think you've heard
25 this today called an ESP, Electric Security Plan.

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1 And the local public hearings are only one aspect
2 of the case process. There was an evidentiary
3 hearing in Columbus on February 11, 2009, and it
4 was continued until February 24, 2009.

5 The purpose of an evidentiary
6 hearing is to allow DP&L interveners and the
7 commission staff to present expert witnesses and
8 evidence in support of their positions in the
9 case. And at the evidentiary hearing on the
10 24th, earlier this week, as Mr. Butler stated, a
11 stipulation and recommendation was submitted to
12 the commission for consideration. The agreement
13 was executed by 15 parties in the case.

14 In addition to the hearing today, I
15 would like to note that there are two other local
16 public hearings scheduled, one this evening and
17 one next week on March 4. The purpose is to
18 receive comments from the public regarding DP&L's
19 application. We will not be hearing from the
20 companies today. We will not be hearing from the
21 commission staff or the interveners today. This
22 is your opportunity to let the commission, and
23 one commissioner in particular that is here today
24 with us, to let her know and all the other
25 commissioners what you think about the company's

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1 application.

2 And when you arrived, you were given
3 the opportunity to sign up on the sign-in sheet
4 stating that you wish to testify. Now, if you
5 missed that opportunity, it's not too late. You
6 can still approach the commission staff. I
7 believe she's out in the hall or standing in the
8 back of the room, and they would be happy to sign
9 you up. You have to put your name and address.
10 And then we will take the witnesses in the order
11 in which they signed up.

12 I will begin calling each witness
13 who wishes to make a statement on the record to
14 come forward. Before you begin your statement,
15 I'd ask for your name and address; and you will
16 be required to take an oath or affirm stating
17 that what you are about to say is the truth or
18 what you're saying is the truth. And your
19 testimony will be considered a part of the
20 official record.

21 As you can see, we have a court
22 reporter here who is taking down your testimony
23 in a typewritten fashion. And should you decide
24 that you do not want to testify and you've
25 already signed up, that's okay too. When I call

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1 your name, just say pass and we'll move on to the
2 next witness. Please speak clearly so the court
3 reporter can accurately reflect your comments on
4 the record. And if you have a prepared written
5 statement, after you read it, if you can provide
6 it to the court reporter, that will be
7 appreciated as well.

8 We appreciate your participation in
9 today's hearing, and we would like everyone who
10 wishes to make a public statement to be able to
11 stand. If you choose to make a public statement,
12 please be considerate of others waiting to give
13 their statements.

14 Do we have any questions on the
15 process before we move on to receiving testimony
16 from the witnesses? Seeing none, we will
17 continue with our first witness. And when you
18 come up to the podium, please state and spell
19 your first name and your last name and provide
20 your address for the record. We will begin with
21 Danny Armstrong.

22 MR. ARMSTRONG: Pass.

23 MS. BOJKO: Mr. Art Woodall.

24 ARTHUR WOODALL

25 of lawful age, Witness herein, having been first

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1 duly cautioned and sworn, was examined and said
2 as follows:

3 MS. BOJKO: Please proceed.

4 MR. WOODALL: My name is Arthur
5 Woodall, A R T H U R W O O D A L L. I live at
6 2115 Hedgegate Boulevard in Beavercreek, Ohio.
7 First thing I'd like to say, I've had numerous
8 discussions with the PUCO and also DP&L. The
9 PUCO has always answered the phone in a timely
10 manner. They've been completely courteous, given
11 me names of people to talk to at DP&L that should
12 help me out. When I'd call DP&L, I've had long
13 waits, I've had hang-ups on me telling me that
14 that's none of my business or whatever.

15 The customer service at DP&L has
16 changed over the years drastically in the last 10
17 or 12 years. One of the questions that I have
18 with DP&L is the outages that occur at my house
19 on Hedgegate. In May and June we had between
20 eight and ten outages that I had DP&L on. They
21 finally gave me a name of a person -- the PUCO
22 gave me a name of the person to call in their
23 corporate office, I guess, higher up, supposed to
24 be, customer service, which she did not feel --
25 after September 14 she did not feel she even had

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1 to answer the phone because I haven't heard from
2 her. I've left numerous messages for her and she
3 has not even returned the calls.

4 We used to live on Entrada, 3408
5 East Entrada Drive. It is right on the border
6 between Montgomery and Greene County. Mind you,
7 both these houses had buried transmission lines,
8 so they shouldn't have had problems other than
9 what was outside of the area. And one of the
10 reasons why, you know, we moved in both of these
11 houses is because of the buried transmission
12 lines. They said, you won't have problems with
13 outages near as much. Boy, oh, boy, have we.

14 We have been at Entrada -- my
15 daughter owns a house now. They were out of
16 power numerous times there where it comes into
17 Greene County -- there's a couple of houses there
18 that are hooked up to the Montgomery County side
19 of the line. The pole is right on Montgomery
20 County and it goes -- it is actually the
21 development.

22 And, you know, this maintenance. If
23 you drive up and down Kemp Road or Burkhart,
24 drive up and down lanes, you drive up and down --
25 not North Fairfield, into the city of Dayton on

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1 Burkhart, you see poles that are banana shaped.
2 There's lines directly -- or trees laying
3 directly on lines. They used to come out and do
4 maintenance on these things about once a year it
5 seemed like; and some of these I don't think
6 they've done maintenance on in five or ten years
7 on these trees.

8 Also, used to see them replace
9 poles. I haven't seen them replacing poles
10 there, unless one of them was hit by a car, in
11 years. I told you about the outages in June,
12 September. How much do we have to pay for as a
13 consumer? As Robert Forrester stuff with the --
14 the investments that he made for DP&L and the
15 losses that he had and in the litigation and
16 settlements and lawyer fees and everything. Is
17 this actually coming out of the consumers'
18 pockets in the bill paying where DP&L had to -- I
19 believe it was not quite a hundred million
20 dollars. It was ten million and a hundred
21 million dollars what they paid, for Robert
22 Forrester and his cohorts to get out of the
23 litigation.

24 Who's paying for this actually?
25 What happened to all the money that was invested?

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1 These are just some questions. Okay. Then
2 another thing, they said they needed a rate
3 increase. It was in the paper reported that they
4 needed a rate increase because of power outages
5 on September 14 and how they had to hire in extra
6 help to come and do it -- to come and take care
7 of it and they weren't using their people. I
8 also noticed in the paper they said they sent
9 their people down South prior to that to take
10 care of it. The money that was derived from
11 that, shouldn't that pay for the people they had
12 to hire up here?

13 It's just some concerns that I've
14 had over the years. I do have the names of the
15 people at home that I've talked with at the PUCO.
16 Mind you, they've been very, very cooperative,
17 very, very polite and so forth. Can't say as
18 much about DP&L people. That's all I have.

19 MS. BOJKO: Thank you. Pastor
20 Harold --

21 MR. ALLEN: Well, not pastor. Mixed
22 up. Good morning -- afternoon. My name is
23 Harold Allen. I'm one of the deacons of Calvary
24 Missionary Baptist Church and I'm here to
25 represent Calvary and myself as well. And my

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1 question is, don't you think that at this
2 particular time it's wrong to increase financial
3 burdens upon the consumers while we're presently
4 under financial strain and financial hardship due
5 to the financial crisis throughout the whole
6 nation? And even in this particular building
7 here we have to be considerate of how we spend
8 heat and how we spend light.

9 So I think at this particular time I
10 think we need to reconsider and do something,
11 wait until later on. I have no problem with what
12 you asked for. My problem is at this particular
13 time I think it's the wrong time for it. Thank
14 you.

15 MS. BOJKO: Thank you. I do not
16 have any other individuals on the sign-up sheet.
17 Is there anyone in the audience that would like
18 an opportunity to testify at this time? Would
19 anybody else like to testify? Seeing none, we
20 would like to take this opportunity to thank you
21 all for coming out today and for being a part of
22 our process and participating in the local public
23 hearing. We will, again, take the comments and
24 the testimony back. It is a part of the record,
25 and we'll take it back to the rest of the

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1 commissioners and a decision will be issued in
2 the near future. Thank you.

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1 (Thereupon, the hearing was
2 concluded at 1:20 o'clock p.m.)
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1 STATE OF OHIO)

2 COUNTY OF MONTGOMERY) SS: CERTIFICATE

3 I, Stacey L. Kimmel, a Notary Public

4 within and for the State of Ohio, duly

5 commissioned and qualified,

6 DO HEREBY CERTIFY that the above-named

7 hearing was reduced to writing by me

8 stenographically in the presence of the parties

9 and thereafter reduced to typewriting.

10 I FURTHER CERTIFY that I am not a

11 relative or Attorney of either party nor in any

12 manner interested in the event of this action.

13 IN WITNESS WHEREOF, I have hereunto set

14 my hand and seal of office at Dayton, Ohio, on

15 this _ _ _ day of _ _ _ _ _ , 2009.

16

17

18

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25

STACEY L. KIMMEL
NOTARY PUBLIC, STATE OF OHIO
My commission expires 6-10-2011

A able 7:10 above-named 15:6 accounting 2:10 accurately 7:3 action 15:12 add 3:13 addition 4:4 5:14 address 3:21 6:9 6:15 7:20 affirm 6:16 afternoon 3:10 11:22 age 7:25 agreement 5:12 al 2:5 Allen 11:21,23 allow 5:6 amended 2:10 answer 2:24 9:1 answered 8:9 anybody 12:19 appearance 3:9 appearances 3:12 application 2:6,21 5:19 6:1 applications 4:21 appreciate 7:8 appreciated 7:7 approach 6:6 approval 2:7,9 area 9:9 Armstrong 7:21 7:22 arrived 6:2 Art 7:23 Arthur 7:24 8:4 asked 12:12 aspect 5:1 assigned 2:3,15 assistant 3:20 attorney 2:13,15 15:11	audience 12:17 authority 2:10 B back 6:8 12:24,25 banana 10:1 Baptist 11:24 based 4:23 Beavercreek 8:6 Beginning 1:9 behalf 3:11,18,19 believe 3:23 6:7 10:19 Bellfontaine 4:14 bill 10:18 BOARD 1:12 Bojko 1:13 2:1,13 3:15,23 4:20 7:23 8:3 11:19 12:15 border 9:5 Boulevard 8:6 boy 9:13,13 Broad 3:21 building 12:6 burdens 12:3 buried 9:7,11 Burkhart 9:23 10:1 business 8:14 Butler 4:6 5:10 C call 6:25 8:12,22 called 4:25 calling 6:12 calls 9:3 Calvary 11:23,25 captioned 2:5 car 10:10 care 11:6,10 case 2:4,15,18 5:2 5:9,13 cautioned 8:1	certain 2:9 CERTIFICATE 15:2 CERTIFY 15:6,10 Champaign 4:6,10 changed 8:16 Charles 3:11 Cheryl 1:12 choose 7:11 Church 11:24 Citizen 4:11 city 9:25 Clark 4:7 clearly 7:2 Clinton 4:11 cohorts 10:22 Columbus 3:22 5:3 come 6:14 7:18 10:3 11:6,6 comes 9:16 coming 10:17 12:21 commence 2:1 comments 5:18 7:3 12:23 commission 1:1 2:3,22 3:3,6 5:7 5:12,21,22 6:6 15:18 commissioned 15:5 commissioner 2:16 5:23 commissioners 1:12 2:18 5:25 13:1 Commission's 2:14 companies 5:20 Company 2:7 3:7 company's 5:25 completely 8:10 concerning 2:19	concerns 11:13 concluded 14:2 considerate 7:12 12:7 consideration 5:12 considered 6:19 consumer 10:13 consumers 2:23 3:16,20,21 10:17 12:3 continue 7:17 continued 5:4 cooperative 11:16 corporate 2:10 8:23 counsel 2:23 3:7 3:16,20,21 Counties 4:8 County 4:6,8,9,10 4:11,12,13,14,15 4:16,16,17 9:6 9:17,18,20 15:2 couple 9:17 court 6:21 7:2,6 courteous 8:10 covers 4:5 crisis 12:5 customer 8:15,24 D D 8:5 Daily 4:5,11,13,15 4:17 Danny 7:21 Darke 4:7 DATE 1:9 daughter 9:15 day 15:15 Dayton 1:11 2:6,8 3:7,19 4:5,21 9:25 15:14 deacons 11:23 decide 6:23 decision 13:1	department 2:14 Deputy 1:13 derived 11:10 development 9:21 Dialy 4:16 directly 10:2,3 Director 1:13 discussions 8:8 dollars 10:20,21 DP&L 3:12 5:6 8:8,11,12,15,18 8:20 10:14,18 11:18 DP&L's 2:20 5:18 drastically 8:16 drive 9:5,23,24,24 due 12:4 duly 8:1 15:4 E earlier 5:10 East 9:5 eight 8:20 either 15:11 electric 2:8,20 4:23,24,25 entire 3:4 Entrada 9:4,5,14 ESP 4:25 establish 4:22 et 2:5 evening 5:16 event 15:12 evidence 5:8 evidentiary 3:5 5:2,5,9 examined 8:1 examiner 2:13 4:14 examiners 2:15 executed 5:13 expert 5:7 expires 15:18 explain 4:1
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