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BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of Duke Energy Ohio, Inc. for an Increase in Electric Rates	)	Case No. 08-709-EL-AIR
In the Matter of the Application of Duke Energy Ohio, Inc. for Tariff Approval	)	Case No. 08-710-EL-ATA
In the Matter of the Application of Duke Energy Ohio, Inc. for Approval to Change Accounting Methods	)	Case No. 08-711-EL-AAM

PREPARED TESTIMONY

OF

LOWELL K. MILLER

FACILITIES OPERATIONS FIELD DIVISION

SERVICE MONITORING AND ENFORCEMENT DEPARTMENT

STAFF EXHIBIT \_\_\_\_

March 30, 2009

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PREPARED TESTIMONY OF LOWELL K. MILLER

1    **1.    Q.    Please state your name and business address.**

2           A.    My name is Lowell K. Miller and my business address is 180 East Broad  
3                Street, Columbus, Ohio 43215.

4  
5    **2.    Q.    By who are you employed?**

6           A.    The Public Utilities Commission of Ohio (PUCO) as the Facility and  
7                Operations Field Division's (FOFD) Electric Specialist.

8  
9    **3.    Q.    Please summarize your education and professional qualifications.**

10          A.    I enlisted in the United States Navy after graduating high school in 1982.  
11                The first year of service included the successful completion of the  
12                following programs; Basic Electricity and Electronics, Avionics "A"  
13                School and Advanced First Term Avionics. The period November 1983  
14                through December 1989 I performed maintenance and troubleshooting  
15                activities on avionic and weapon systems on the F/A-18 Hornet platform  
16                and from January 1990 through August 1992 I worked as an instructor and  
17                inspector/auditor for Strike Fighter Weapons School providing training to  
18                fleet personnel related to the electronic weapons systems of the F/A-18. I  
19                also audited training and testing procedures of fleet squadron personnel,  
20                and tested new weapon system software versions for compatibility. From  
21                February 2002 to September 2006 I was a FOFD electric field investigator

wherein I principally conducted field inspections and investigations to ensure electric utility compliance with various Ohio Administrative Code rules that pertain to electric distribution. In September 2006, I began my current position as the FOFD electric specialist wherein I serve as the FOFD electric distribution expert which includes the inspection, investigation, review and evaluation of all electric distribution-related issues.

**4. Q. What is the purpose of your testimony?**

My testimony will address objections raised by the Greater Cincinnati Health Council (GCHC) and the Ohio Cable Telecommunications Association (OCTA). I will first address the objections raised by GCHC.

**5. Q. GCHC objected to the Staff Report's failure to recommendation any adverse affects on the Applicants requested rate increase for identified substation recordkeeping irregularities. Why didn't Staff make such a recommendation?**

A. Staff did not recommend any adverse affects for identified substation irregularities because as stated in the Staff Report, the Applicant revised its substation maintenance program incorporating Staff's recommendations regarding maintenance record retention. Staff will continue to audit the

Applicant's records periodically to ensure Applicant maintains full compliance.

**6. Q. GCHC objected to the Applicants unilateral change to its vegetation line clearing schedule without submitting a required program notice to Staff. In addition GCHC objected to Staff's apparent failure to investigate the effect of this change on the Applicants system reliability. Why didn't Staff make recommendations regarding vegetation control?**

**A.** Applicant reverted to its original four year cycle once this issue was discovered by Staff. Staff requested the Applicant ensure that the four year cycle be completed for all distribution circuits by the end of calendar year 2008. Staff met with the Applicant to discuss and review progress of achieving a four year cycle trim. Indications are that all distribution circuits would meet this deadline (all distribution circuits would have a full circuit trim at least once in the last four years by December 31, 2008). Staff will audit the Applicant's records in 2009 to ensure the Applicant has met and is maintaining the four year cycle commitment.

**7. Q. GCHC objected to the Staff Reports identification of 116 exceptions to the National Electric Safety Code (NESC). Why didn't staff make any recommendations regarding the 116 identified inspection exceptions?**

65 A. Staff inspected various pieces of distribution equipment including  
66 substations, switch gear, underground pad-mounted transformers, poles and  
67 associated equipment. Staff conducted 141 inspections related to the  
68 equipment described above with a total of 4,827 individual pieces or units  
69 of equipment inspected. Of the 4,827 individual units inspected, 116 units  
70 were found to need some type of remediation. This equals a 2.4% exception  
71 rate and is in line with exceptions found with other regulated electric  
72 utilities. Staff also notes that the Applicant has been very responsive in  
73 correcting exceptions found by Staff. No further actions are required at this  
74 time.

75  
76 **8. Q. The Ohio Cable Telecommunications Association (OCTA) objected**  
77 **that the Staff Report did not make a recommendation barring the**  
78 **Applicant from imposing “safety” standards that exceed the**  
79 **requirements of the NESC on cable operator pole attachers?**

80 A. OCTA is referring to the Applicant’s language in their proposed Pole  
81 Attachment/Conduit Occupancy Tariff under Technical Specifications. The  
82 proposed tariff language states in part:

83 *All wireline attachments or occupancies shall be installed and*  
84 *maintained by Licensee or on Licensee’s behalf and at its expense so as to*  
85 *comply at least with the minimum requirements of the National*  
86 *Electrical Safety Code, any requirements that may be established by*  
87 *the Company and any other applicable regulations or codes promulgated*  
88 *by federal, state, local or other governmental authority having jurisdiction.*  
89

Staff does not interpret this to mean that the Applicant is imposing safety requirements on pole attachers that exceed the NESC, but rather stating specification requirements that pole attachers would have to meet.

**9. Q. OCTA objected as to why the Staff Report did not make it clear that cable operator pole attachers are only required to begin to take actions necessary to correct safety violations within 10 days of receiving notice from the Applicant rather than correcting all violations within 10 days?**

A. Staff reviewed the current and proposed pole attachment tariff and noted that the language under the Safety Violations section remained essentially unchanged and did not appear to be unreasonable. Therefore, staff did not recommend a change.

**10. Q. OCTA objected as to why the Staff Report did not expressly make it clear that the Applicant may only require cable operators to fix conditions that interfere with existing facilities on a pole?**

A. Staff reviewed the current and proposed pole attachment tariff and noted that the language under the Safety Violations section remained essentially unchanged and did not appear to be unreasonable. Therefore, staff did not recommend a change.

112    11.    **Q.**    **Does this conclude your testimony?**

113            A.    Yes.

## CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Testimony of **LOWELL K. MILLER** was served via electronic mail and regular U.S. mail, postage prepaid upon the following parties of record this 30<sup>th</sup> day of March, 2009.

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**Stephen A. Reilly**  
Assistant Attorney General

Duke Energy Ohio, Inc.  
Elizabeth H. Watts  
2500 Atrium II, 139 East Fourth Street  
P.O. Box 960  
Cincinnati, Ohio 45201-0960  
Elizabeth.watts@duke.energy.com

Ohio Consumers' Counsel  
Ann M. Hotz, Counsel of Record  
10 W. Broad Street  
Suite 1800  
Columbus, OH 43215-3420  
hotz@occ.state.oh.us

Boehm, Kurtz & Lowry  
David Boehm/Michael Kurtz  
36 East 7<sup>th</sup> Street  
URS Building  
Suite 1510  
Cincinnati, OH 45202-4454  
dboehm@BKLawfirm.com

Chester, Willcox & Saxbe LLP  
John W. Bentine/Mark Yurick  
65 E. State Street  
Suite 1000  
Columbus, OH 43215-4216  
myurick@cwsllaw.com

TW Telecom of Ohio LLC  
Pamela Sherwood  
4625 W. 8<sup>th</sup> Street, Suite 500  
Indianapolis, IN 46268  
Pamela.sherwood@telecom.com

Greater Cincinnati Health Council  
Douglas E. Hart  
441 Vine Street  
Suite 4192  
Cincinnati, OH 45202-2852  
dhart@douglasshart.com

Vorys, Sater, Seymour & Pease  
Steven M. Howard  
52 E. Gay Street  
P.O. Box 1008  
Columbus, OH 43215-3108  
smhoward@vorys.com

People Working Cooperatively, Inc.  
Mary W. Christensen, Esq.  
100 E. Campus View Blvd.  
Columbus, OH 43235-4679  
mchristensen@columbuslaw.org



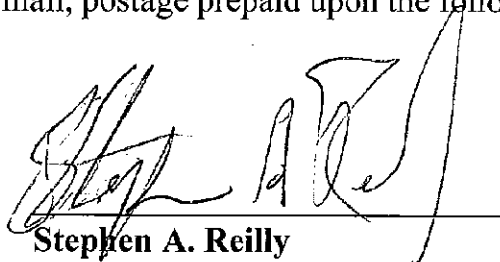
Bricker & Eckler, LLP  
Sally Bloomfield/Thomas O'Brien  
100 S. Third Street  
Columbus, OH 43215-4236  
tobrien@bricker.com

Albert Lane  
7200 Fair Oaks Dr.  
Cincinnati, OH 45237  
AELMICTEN@aol.com

Ohio Partners for Affordable Energy  
David Rinebolt/Colleen Mooney  
231 West Lima Street  
Findaly, OH 45840-3033  
drinebolt@aol.com  
cmooney2@columbus.rr.com

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Boehm, Kurtz & Lowry  
David Boehm/Michael Kurtz  
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URS Building  
Suite 1510  
Cincinnati, OH 45202-4454  
dboehm@BKLawfirm.com

Chester, Willcox & Saxbe LLP  
John W. Bentine/Mark Yurick  
65 E. State Street  
Suite 1000  
Columbus, OH 43215-4216  
myurick@cwslaw.com

TW Telecom of Ohio LLC  
Pamela Sherwood  
4625 W. 8<sup>th</sup> Street, Suite 500  
Indianapolis, IN 46268  
Pamela.sherwood@telecom.com

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Douglas E. Hart  
441 Vine Street  
Suite 4192  
Cincinnati, OH 45202-2852  
dhart@douglasshart.com

Vorys, Sater, Seymour & Pease  
Steven M. Howard  
52 E. Gay Street  
P.O. Box 1008  
Columbus, OH 43215-3108  
smhoward@vorys.com

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Mary W. Christensen, Esq.  
100 E. Campus View Blvd.  
Columbus, OH 43235-4679  
mchristensen@columbuslaw.org

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Columbus, OH 43215-4236  
tobrien@bricker.com

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cmooney2@columbus.rr.com