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**Public Utilities
Commission of Ohio**

**Regarding
Duke Energy**

Case No. 08-709-EL-AIR

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PUBLIC UTILITIES COMMISSION OF OHIO

* * *

IN THE MATTER OF: Duke Energy

* * *

CASE NUMBER: 08-709-EL-AIR

* * *

Public hearing, taken before me, the undersigned, Angela S. Moore, a Notary Public in and for the State of Ohio, at the Union Township Civic Center Hall, 4350 Aicholtz Road, Cincinnati, Ohio, on Monday, March 16, 2009, at 6:15 o'clock p.m.

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MR. SCHRIBER: Let me call first Pat
Esswein.

(Thereupon, the witness was sworn by
the Chairman.)

MR. SCHRIBER: Proceed, please.

MS. ESSWEIN: I appreciate the OCC
and the PUCO giving us a chance to voice our
opinions, please consider the seniors on fixed
income, a lot of us in Clermont County, everything
is going up while we watch our investments
disappear. We are all trying to stay in our homes
but these increases are making it much harder.

I understand that the high fixed rate
will discourage energy savings and I need to have
an explanation on that. I am not sure about the
rest of you but I am not sure how they can raise
it and say we are saving money. Thank you, sir.

MR. SCHRIBER: Thank you for your
testimony. With that, I will call Marion Rhoten.

MS. RHOTEN: No, that was the
question I had.

MR. SCHRIBER: Okay. Thank you.
John Sauers.

1 MR. SALYERS: My name is John
2 Salyers.

3 MR. SCHRIBER: I need your address
4 for the court reporter.

5 MR. SALYERS: I live at 190 East
6 Lindsey Drive in Fayetteville, Ohio.

7 Prior to that point in time I was
8 living over here in Batavia and I don't know, I
9 have been involved all of my life, my working life
10 in a number of different activities those being
11 servicing people, providing services to people,
12 conducting a business. Duke is in the job as a
13 regulated money operator. We have no choice as to
14 who is going to provide our electrical power. As
15 such, they bear responsibility to the people that
16 they serve. Those lines have been put in, we have
17 already paid for them. They refuse to maintain
18 and upgrade them to standards that are 21st
19 Century, they are still operating in standards of
20 the '40's. The lines and many of the poles are
21 deteriorated. And so we get ice, they come down,
22 tough, that's tough. That's part of doing
23 business. Anybody else that does business has to
24 take and do the maintenance, do the replacement of
25 their business creating activities. I don't know

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1 why Duke shouldn't be held to that same standard,
2 but I guess just like everything else that's
3 happening in the country today, that I guess they
4 are too big and so they need more money from the
5 people that are already taking and paying them.
6 And are they giving us service? No. During the
7 period of time that they were supposed to be
8 delivering electrical power to me, I had to wait
9 five days, I lost two hundred fifty dollars worth
10 of stuff in my refrigerator. Why? Oh, because
11 they couldn't get out there. And the excuse that
12 was used is the lines are down and we can't get
13 out there and we will get out there when we can.
14 The lines weren't down. There was one circuit
15 that was out in our town, one circuit.

16 As I understand it from reading the
17 information that was handed out, they take into
18 account reasonable return on a person's investment
19 or a business investment. A reasonable return.
20 Let's see, let's take and look at another big
21 energy supplier and that's like Shell Oil, like BP
22 and Valero, they are saying something in the
23 vicinity of three or four percent on their
24 investment that's what they are taking in. I
25 don't know what Duke, what program Duke is using

1 to figure out their return on investment. There
2 is a number of different ones that can be used.
3 And some of them are very favorable to Duke, some
4 of them aren't so favorable to Duke or to their
5 investors. Now, in this day and age, I guess in
6 the business sphere of things we need people that
7 are responsible, people that are up doing their
8 job, people that are delivering what we are
9 buying. Without us they don't have a business.
10 And if they can't run the business efficiently and
11 up to par with the technical methods that are
12 available then they should get out of business and
13 let somebody do it that can. I'll stand with
14 that. Thank you.

15 MR. SCHRIBER: Okay. Thank you.

16 Okay. I will call Belinda Ward.

17 Welcome, Ms. Ward.

18 (Thereupon, the witness was sworn by
19 the Chairman.)

20 MS. WARD: I live at 4303 Marbe Lane,
21 Batavia, Ohio, 45103. I have lived there for
22 thirty years, sent three kids to college as a
23 single parent. I haven't -- I don't know, my
24 electric bill has never gone down since I have
25 been there. And we are, as everybody knows, we

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1 are in a recession or depression. I haven't had a
2 raise for three years where I work. I know people
3 that have taken pay cuts to keep their present
4 jobs. And what I see in here, twenty-seven
5 percent increase.

6 I was reading -- that blows me away.
7 And we are all angry. We are all upset. I
8 sympathize with the people on fixed income. That
9 really, really bothers me. I have always been,
10 you know, for the seniors, and you know, what they
11 have to go through and watching the rates, water
12 and sewer, electric, you know, it all goes up.

13 Does anybody really care anymore?
14 Does Duke care? I have to say I don't think so.
15 I'm sorry, but I'm angry, and I think all of us
16 have a right to be angry. I don't know how many
17 increases Duke has had since they have taken over
18 Cinergy.

19 I had Duke come and do the energy
20 audit, which is a great program. I think it is
21 wonderful. Okay, Mrs. Ward, you need to do this,
22 you need to do this, you need to do this. I did.
23 I spent eighteen hundred dollars getting wall
24 insulation in, got the silver tape and duct taped
25 it all as I could. Guess what? My electric bill

1 didn't go down. Surprise, surprise.

2 Yeah, I think you guys need -- I
3 think Duke needs to go without pay increases and
4 profitability and everything. And you know, if we
5 can do it, so can you. That's all I have to say.

6 MR. SCHRIBER: With that, I will call
7 Angie Tucker.

8 (Thereupon, the witness was sworn by
9 the Chairman.)

10 MS. TUCKER: My name is Angie Tucker.
11 I live at 3719 Mackey Road, Amelia, Ohio, 45102.
12 And I have been a resident of Clermont County for
13 fourteen years. And I have been pretty upset as
14 Belinda. And it is just not with Duke, it is PUCO
15 as well. Because as a customer, I have called and
16 I have complained to PUCO with issues that are
17 being brought up at today's meeting as well. In
18 return what I receive is a survey card from PUCO,
19 no response from PUCO, no resolution, so I'm
20 hoping we will start, as customers, and citizens,
21 getting the respect we need.

22 It is like PUCO wants to know was my
23 customer service rep courteous. Yeah, courteous,
24 but they didn't solve anything. But I'm hoping we
25 can get some response in the future. I would ask

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1 Duke not to give us an increase, as Melinda stated
2 putting in eighteen hundred dollars worth of
3 insulation, I have also put in insulation again,
4 and I spent twelve thousand dollars on new, 364
5 Champion windows that are energy efficient and my
6 bills also are not going down.

7 So you are asking us to provide a lot
8 of income, which sometimes I personally feel it is
9 to pad the executives' pockets. And I know a lot
10 of people who have worked the windstorm, there are
11 people who are salaried at Duke and the media
12 represented it as, there is a lot of overtime,
13 there is a lot of overtime, but I know people that
14 are mandated to work sixteen-hour shifts and they
15 don't get any overtime. So I can understand some
16 overtime from workers coming in from out of state
17 possibly. But there is a lot of people that are
18 salaried. And we are living paycheck to paycheck.
19 And if we are lucky making it paycheck to
20 paycheck. If we have to wait for some bills until
21 next pay check comes, because we don't have funds
22 to pay the current bills.

23 My husband also is not making as much
24 money as he was. Everyone's income is coming
25 down, if they have a job, lucky enough to have a

1 job in this economy. And higher rates means
2 people can't pay their bills. In turn, that would
3 result in leaving them without power. And we need
4 to take care of ourselves and take care of our
5 families. And by taking foods out of our mouths
6 and not being able to pay our bills, you are
7 taking away from our families. And that's it,
8 that's all I have now. But I do concur with what
9 is being said here. Thank you.

10 MR. SCHRIBER: Thank you. Let's see,
11 Mr. Saikaly.

12 (Thereupon, the witness was sworn by
13 the Chairman.)

14 MR. SAIKALY: I live in the county
15 next door, and I have been following Duke Energy.
16 Before it was Duke, it was something other than
17 Duke, it was sensible, more responsible, more
18 acceptable to the clients. It was a very, very
19 good company before it used to be called
20 Cincinnati -- our own Cincinnati company. What we
21 saw was very conducive to common sense and to what
22 the people -- how the people feel. And they can
23 actually detect -- their desire to be helpful.
24 Duke, I don't think they are.

25 Duke, I call it a regulatory company.

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1 And their practices they are not caring for the
2 client, they care for the bottom dollars. Now,
3 the company and our government is trying to say
4 that the government should more or less take care
5 of all of these companies that are being
6 literally -- or companies that are not doing very
7 well. I don't know if Duke is asking for help or
8 not, but I hope they do. So it becomes a
9 government company instead of private.

10 I am a private individual. I have
11 been very much for private enterprise but when
12 private enterprise starts being regulatory on the
13 clients, they should stop being public servant.
14 Duke is not public servant company. No public
15 company CEO should make twenty million dollars a
16 year just for him and his cronies in the company
17 to waste so much money. And any time he wants
18 money, you go to PUCO. I want more money. For
19 what? For lights, why not your lights, you have
20 been charging money so long, the price should be
21 accumulated. We should have funds to be able to
22 replace that lines during that period of time you
23 are operating the business. But this company does
24 not do that. All they want is more money, call
25 the PUCO, we have a problem. They don't have

1 insurance for some problems. I have a home, I
2 used to have business, I always had insurance for
3 the business. When disaster happened, insurance
4 takes care of it. Does Duke now? No. Who's the
5 insurance for Duke? PUCO. Our public government
6 is the insurance for Duke, all they have to do is
7 holler I need more money because I have damage
8 here. You be the public, you are the insurance,
9 we go to your pocket. You say what you want? But
10 they have the PUCO. They must look at what --
11 look at whoever is investor should get some money.
12 I understand that but this is not the insurance
13 company for damages for Duke. Should not be.
14 That should be separate thing.

15 Now, every time something happens,
16 they want something else, they go to PUCO. PUCO,
17 come, complain what happened. Nothing. We do
18 want more money. What happened, price go up. Is
19 it emergency? No. The emergency is your pocket.
20 That's what we object to. There are no limits.
21 And that's a very disaster thing to be.

22 And the public sector, when you have
23 a project going on you will take a project of that
24 you get estimates, you will get company ten years
25 for assistance, not only for that, but for

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1 twenty-four years, twenty-five years from now.
2 They signed up, and when they do that, they would
3 have took all of the things that might happen in
4 that private and they put it on the price. They
5 don't come back to the commissioners, hey, we want
6 an increase. But they will give you an increase
7 in the beginning, is what you say, and you have to
8 maintain that system with the price you get. Duke
9 does not do that. Duke wants more money, the
10 officer wants more money, the CEO go to PUCO.
11 Call PUCO. They are the insurance. They are the
12 only ones that can give them their money. And
13 that must stop.

14 Duke is not a public service company.
15 When all the ways have been knowing them now, they
16 are predator company. That goes against the
17 public interest. I'm sorry our PUCO has to put up
18 with this crap. And I'm sorry that they do that
19 too, but this should be enough. They don't
20 deserve a dime. Because of their incompetence of
21 the rich we have to pay. Disaster things they
22 should have insurance to take care of that, but
23 they don't. They call the PUCO, they are the
24 insurance company. And you are the taxpayer that
25 pay for that insurance. That's my comment. Thank

1 you.

2 MR. SCHRIBER: Robert Baker. Good
3 evening, Mr. Baker.

4 (Thereupon, the witness was sworn by
5 the Chairman.)

6 MR. BAKER: 2180 Dean Road, Bethel,
7 Ohio, 45106. I concur with a lot of stuff the
8 previous gentleman said there. I view Duke as a
9 predator company, just like the oil companies that
10 jacked the gas up over four dollars a gallon and
11 then you see on the news, well, they made eleven
12 billion dollars' profit last quarter. Why? Off
13 of us, bleeding the public dry. I made comments
14 about the transport of stuff at Duke, during the
15 past windstorm. I went eight and a half days
16 without electricity and my wife and I are both on
17 fixed income. She'll be seventy years old in July
18 and she still is working. We had to go out and
19 buy a generator to save thousands of dollars worth
20 of food. I have sleep apnea, I am on a CPAP
21 machine, an oxygen concentrator. And part time my
22 eighty-eight-year-old mother-in-law, who is on an
23 electric respirator also lives with us.

24 Duke gives you an emergency number to
25 call, you get a recording. It tells you to go to

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1 emergency room or go to another family member.
2 Well, I would have to go to Michigan, Arizona or
3 Florida to get to another family member. I am not
4 going to pick up my oxygen concentrator, carry it
5 with me. I'm like the lady, I had a new furnace
6 and heat pump put in, I am energy efficient, my
7 electric bill has gone up since I put that thing
8 in. I recaulked my windows, put extra insulation
9 in, it doesn't help. The electric bills are well
10 over three hundred dollars a month. I mean, give
11 me a break. You know, I get out there, I got
12 diabetes, swelling in my feet and legs, pick up a
13 part-time job, pick up a few bucks here and there.
14 My wife's probably used her whole paycheck to buy
15 food. She works the whole week mostly to pay for
16 food.

17 I mean, I have called Duke I don't
18 know how many times about trees in my front yard.
19 Well, we will come out, but you have to clean it
20 up. Well, I can't do that. But they broke the
21 wires in our front yard three times. Wouldn't it
22 be cheaper to take the trees down? Get rid of
23 them, than come out there, send a crew out and
24 keep fixing them wires over and over again. You
25 know, when I call that emergency number, I expect

1 a response, not a recording telling me to go to
2 the emergency room or go somewhere else. I can't
3 do that. Why can't I talk to a live person? Can
4 anybody answer that?

5 AUDIENCE PARTICIPANT: It is not the
6 American way.

7 MR. BAKER: No. Everybody is a
8 recording anymore. You know, we are too busy to
9 talk to you. Well, I'm sick of it. If I had the
10 money to put a windmill in my backyard, Duke
11 wouldn't be with me. I'm like that man, when
12 Cinergy had this, I never had a problem, customer
13 service, the rates, they would even suggest
14 another company for a lower rate, like up in
15 Pennsylvania, guaranteed my rates for two years.
16 My electric bill was just a little over a hundred
17 dollars a month, even in the wintertime. You
18 don't get that from Duke Energy.

19 That's all I got to say on it. You
20 know, I would like to talk to a live person when I
21 call down there. You know, give the public a
22 little assistance instead of taking from them all
23 the time.

24 MR. SCHRIBER: Let me call Mary Jane
25 Shell.

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1 (Thereupon, the witness was sworn by
2 the Chairman.)

3 MR. SCHRIBER: Please proceed with
4 your name and address for the record.

5 MS. SHELL: I'm Mary Jane Shell. I
6 live at 887 Linda Sue Drive, Cincinnati, Ohio,
7 45245. As all of us know, as we watch the news
8 media day in and day out, we see the economy
9 issues, home foreclosures, unemployment, we have
10 our seniors to worry about, low-income housing,
11 low-income families, kids go to school hungry, et
12 cetera. We understand Duke is in the business to
13 make a profit. Most companies are.

14 What we ask today is reconsider, take
15 a step back, what can you do internally to cut
16 your admin costs, ask your CEO, VP's to forego a
17 bonus this year. Let's offset the cost and help
18 the public, me, them, everybody else. You may not
19 think four dollars and eighty-three cents is a
20 lot, but for somebody on a fixed income it is.
21 When we have to look at what we have to do is cut
22 costs, the first thing we do is get rid of our
23 pets and the leagues and the rescue and human
24 societies are overwhelmed. We are losing a family
25 member. Four dollars and seventy-eight cents will

1 buy a bag of dog food, cat food or a bag of cat
2 liter and that can go a long way.

3 We are trying to cut back. Some of
4 us are buying less food, we are doing less things,
5 we don't do things as a family. Some of us are
6 cutting back on vacations, some of us are taking
7 what little we do have extra we are not putting in
8 401(K)'s now, because there are no 401(K)'s right
9 now. We are doing what we can to make ends meet,
10 and what we are asking of companies like Duke,
11 reconsider. Do you actually need that four
12 dollars and eighty cents today? Let the economy
13 rebound, let our 401(K) surplus again, let our
14 seniors do what they can do, let's get some of
15 these low income families back in housing. We
16 need to work together as a team and not work
17 against us.

18 What I would like to do is challenge
19 Duke to work internally first, see what you can do
20 to cut your admin costs, cut your traveling. If
21 anybody came here private plane or first class, go
22 coach. Do things internally and then re-evaluate
23 the situation to see if you need that four dollars
24 and seventy-eight cents now, or can you go without
25 it for a year or two and maybe rebound and come

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1 back and ask the public, did we do a good job for
2 you, and see if the answer is yes.

3 From what I'm hearing right now, a
4 lot of customers aren't happy with Duke. I wasn't
5 happy. I had four days of no power and my family
6 members had no power. I was like everybody else
7 here, nowhere to go, didn't have extra money to go
8 to a hotel. So what I would like to do is
9 challenge you all to reconsider. I don't think
10 four dollars and seventy-eight cents is worth it.
11 Thank you.

12 MR. SCHRIBER: I will call Edwin
13 Karlis.

14 (Thereupon, the witness was sworn by
15 the Chairman.)

16 MR. SCHRIBER: Name and address,
17 please, for the record.

18 MR. KARLIS: My name is Edward Joseph
19 Karlis and I live at 478 Elm Drive in Pierce
20 Township.

21 I have been a resident of Clermont
22 County for about thirty years, thirty-five years
23 to be exact. I am a retired engineer by trade, so
24 I'm on a fixed income. Like everybody else, we
25 are trying to pinch pennies.

1 I would like to make a point here, in
2 today's paper the old secretary general spoke of
3 his concern over the ugly global economy and times
4 that overwrote the desire to achieve a quick fix
5 by setting lower output to the twelve-nation
6 producers. OPEC is concerned about the global
7 economy and I'm asking Duke to be concerned about
8 the economy. Our friends from OPEC weren't our
9 friends last summer. I'm asking Duke to be as
10 concerned as OPEC is.

11 Second point. I see in today's paper
12 where Duke is trying to recover thirty-one million
13 of costs from last September's windstorm. That
14 windstorm, Duke had trucks going to Houston, had
15 to pull them back. That's a management decision.
16 That's a bad management decision. Duke made a bad
17 management decision and is expecting us to pay for
18 it.

19 As an engineer, I had dealings with
20 Cincinnati Gas and Electric. And I know that
21 Cincinnati Gas and Electric watched the weather in
22 this area very closely, and they could tell you
23 exactly when a storm was coming. That's why we
24 had such good service. They could tell you. Duke
25 is not concerned about the weather, that's why

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1 they got in the predicament they did. So here we
2 are asking for thirty-one-million-dollar rate
3 increase because of last September's storm. I'm
4 saying tough luck. It is a part of doing
5 business.

6 So I think that Duke should consider,
7 number one, the economy. Number two, people on
8 fixed incomes. They ought to look at -- give us a
9 break and look at not trying to recover all or
10 recoup all of your costs in one lump sum. That's
11 all I got to say. Thank you.

12 MR. SCHRIBER: Okay. Looks like Char
13 Hinnners.

14 (Thereupon, the witness was sworn by
15 the Chairman.)

16 MR. SCHRIBER: Your name and address,
17 please, for the record.

18 MS. HINNERS: My name is Charlene
19 Hinnners. I'm in the city of Milford. Actually,
20 right now, I'm the vice mayor. I am not bringing
21 that up as authority. But I have to bring up
22 statistics all the time.

23 I appreciate that one lady saying
24 that our seniors are on a fixed income, that's
25 truly a huge thing in our area, because we have a

1 large percentage in the Milford area that are on
2 fixed income.

3 Another thing is, the timing on this.
4 Before I get to that, I have to say something
5 about the customer service because the real reason
6 I'm here tonight I volunteer at the Saint Vincent
7 DePaul in Milford, I could tell you stuff that
8 really jerks your heart out right now about what
9 is going on in this area, the Clermont County
10 area, we have been part of the homeless shelter,
11 et cetera. The stuff that is going on out there,
12 the people just don't have the money. And it is
13 interesting to me that a lot of our poor, large
14 apartment complex, the people pay their own heat
15 and energy. I mean, I just can't get over that.
16 Not only do they pay rent, but they pay energy.

17 Duke has been good, I will say the
18 people we deal with down there, they try to get
19 them on a plan and we do give money too. Our
20 Saint Vincent DePaul has a free pantry that we are
21 with from the free store downtown. We help with
22 Duke, we help with rent, furniture, clothes and
23 other things. I'm saying we are in it up to our
24 hips with the poor in this area. And it is not
25 pretty. This is not the time. This is not, not

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1 the time to do an increase like this.

2 I will say though, it is interesting,
3 my children, when I -- I sold my home a few years
4 ago, I'm on a fixed income, but the thing is, when
5 they go to grandma's house, they don't take off
6 their coats, because I keep it down on sixty. So
7 thank you very much. We need to think of our
8 poor, they can't handle it.

9 MR. SCHRIBER: Mr. Saikaly, it is
10 time for your better half, Mrs. Saikaly, Virginia.

11 (Thereupon, the witness was sworn by
12 the Chairman.)

13 MR. SCHRIBER: Give your name and
14 address.

15 MS. SAIKALY: Virginia Saikaly.
16 12142 Bath Court, that's Sharonville.

17 And you heard my husband expound
18 quite a bit about this. My objection is the fact
19 that we can't save and help ourselves. That
20 clause in there, that just kills me. Everybody is
21 so focused now on money, and rightly so. But what
22 happened even with the environment and saving our
23 resources. We have all had to even forget that
24 because the money issues is so important right now
25 and such a focus. But let's -- hopefully, the day

1 will come when we will be thinking about the
2 environment again, and that we have saved and we
3 maybe saving, but it is not because we don't want
4 to right now, but because we are forced to go,
5 like the lady said, keep our houses where we are
6 cold and you are afraid you are going to get sick
7 and then have a big hospital bill.

8 My husband had a liver transplant, he
9 takes drugs. If he gets sick it can go into
10 pneumonia like that. There are health issues we
11 seniors need to consider. Just many things like
12 this. I agreed with the lady that said the timing
13 is deplorable. That is my statement. Thank you.

14 MR. SCHRIBER: Okay. Looks like Per
15 Flew

16 (Thereupon, the witness was sworn by
17 the Chairman.)

18 MR. SCHRIBER: You might want to
19 spell it for the record.

20 MS. FLEM: My name is Apper, A P P E
21 R, last name Flem, F L E M. And I come from
22 Berryhill Lane, 45242.

23 I'm probably going to give you a
24 little different slant. I have my electricity
25 with Duke. I am also a business owner. And I

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1 have to say that we are very blessed by having one
2 of the lower electrical costs in the entire
3 country in our area. Now, you go to New England,
4 Massachusetts, they are paying twenty-two,
5 twenty-four cents a kilowatt. It is very
6 expensive. However, they are used to it. We are
7 not. People talk about being on fixed income,
8 well, you are right, we are. There are also a lot
9 of people on unfixed income, and the industry
10 today, a lot of us are taking twenty and thirty
11 percent reductions. I would assert that this is a
12 very poor time for an increase. I am sure you
13 applied for this increase a long time ago.
14 Perhaps things were better financially for all of
15 us. But at this particular point in time, I think
16 it is ill-conceived to have this increase take
17 place.

18 MR. SCHRIBER: Thank you. Okay. I
19 have D.S. Pope.

20 MS. POPE: D.L. but that's okay.

21 (Thereupon, the witness was sworn by
22 the Chairman.)

23 MR. SCHRIBER: Name and address,
24 please.

25 MS. POPE: My name is Dee L. Pope.

1 And I live now at 2872 State Route 172. We were
2 between two homes. The home that we used to live
3 in was founded in 1890. They told me in the
4 courthouse that that's when they first documented
5 the house because back then they didn't keep
6 records of anything. That house was drafty,
7 rundown, not efficient. My husband brought it up
8 to the standards where we could survive and live
9 and not be cold and enjoy our family life in
10 there. Our dogs wouldn't freeze to death. So we
11 lived there for quite a few years. And then I
12 worked two jobs, he worked a job, we saved money.
13 We decided that we have lived in this house long
14 enough, and maybe we could afford to buy a new
15 home and we would do that in an energy efficient
16 home.

17 We have put in special insulation in
18 our home that took us five years to pay off,
19 because that's what they said it would take us,
20 like five years to pay it off. And we have all of
21 the efficiencies we could have, that we could
22 afford. I, like many of you, have been opening my
23 bill praying that it wouldn't have gone up because
24 I, like many of you, am not working, my husband is
25 not working now, and our bill went from one month

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1 from four twenty-nine to six fifty-nine. I don't
2 know how that is possible when you have an energy
3 efficient home and you are not doing anything and
4 your electric is at sixty-two degrees.

5 I'm like the lady, you know, you come
6 over and you need to keep your coat on. My dog,
7 who is four and a half pounds, wears a coat also
8 in the house to keep warm. I pride myself in what
9 I have been able to do for my family. Not only
10 for my family but for my community.

11 I am a very emotional person. Excuse
12 me.

13 I had a neighbor who was in her late
14 eighties and this house is so rundown, the siding
15 is falling off. I mean, the windows have plastic
16 on them. People have helped her in the past. I
17 really didn't even know anybody was there. There
18 is no reason for anybody to live in a home that
19 looked like this. I happened to see this woman
20 with a cane going down her walkway, I thought
21 surely she is not living there. Well, she was.
22 So my husband and I, because we are community
23 people, decided that this woman could not in any
24 way, shape or form stay in that house the way it
25 is. So I made friends with her and I said to her,

1 we are going to help you. And I had my husband go
2 down and look at the house to see what we could do
3 for her to make her house more efficient. And he
4 kindly walked around the house and came back and
5 said it was lovely talking to you, we will be in
6 touch. He said no way. We are not touching
7 anything in this house it will fall in. I'm
8 afraid to do anything. So I finally got somebody
9 to take her in.

10 These are stories like every story we
11 have heard. I have taken care of so many people
12 in my old neighborhood, in this neighborhood, you
13 do the best you can.

14 The reason why I'm here is because we
15 are not working any longer, our monies aren't
16 there like it used to be, we can't really help our
17 community like we used to. And for somebody to
18 say -- gas keeps going up, electric is going up
19 and everything else, it is very hard to help your
20 community, help your neighbors. These are people
21 who really need help. You know, they don't eat in
22 the first place, because of their income. And
23 then they are freezing to death. And it is just a
24 big mess.

25 I believe in profit. I believe in

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1 the American way. But I also believe that there
2 is a time and place for everything. And I have
3 heard it expressed this is not the time. And I
4 would suggest that, please, you listen to all of
5 us, this is not the time. I am not saying you
6 shouldn't have your profit, I'm just saying,
7 please, hold off. They are saying the economy --
8 all of these experts out there say the economy
9 should come around the end of 2010. Why don't you
10 wait until then and approach us with that. Let
11 us, you know, let us help ourselves, let us help
12 our community. And let's all, you know, take a
13 stand together. It is not you and I, us anymore,
14 it is all of us together. And we can't have
15 people trying to save other people when you are
16 not willing to help either.

17 I would like to say this, as a
18 community, like they said, when we had the gas and
19 electric here, they knew us, they were concerned
20 for us. They knew their neighbors, they knew
21 their communities, they went to church, they did
22 all of the right things, kept on top of things.
23 When you merge, when you sell, you are now just a
24 commodity. You are a number. You are a number,
25 that's all you are. There is no face. So try to

1 put a face on it. Try to remember, this could be
2 your mother, this could be your daughter after she
3 gets married and something happens to her family.
4 We are just all in this together. And I think
5 this is a bad time to do this. So thank you very
6 much.

7 MR. SCHRIBER: I think we are looking
8 for Naomi Scarberry.

9 (Thereupon, the witness was sworn by
10 the Chairman.)

11 MR. SCHRIBER: Name and address for
12 the record, please.

13 MS. SCARBERRY: Naomi Scarberry.
14 5927 Berger Drive, Goshen, Ohio, 45122.

15 There's been a lot said about energy
16 and the efficiency of it, and I have in front of
17 me some living proof the costs that I have
18 experienced, and in just the last three months.
19 First of all, I am a retiree just like a lot of
20 folks here. I have had my home checked for the
21 energy efficiency, with Duke Energy coming out and
22 checking all of the particulars. And my home is
23 very energy efficient. This is what I was told, I
24 didn't have an outage during the storms and ice
25 because I have underground electric that I put in

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1 myself at my cost. This was during the time of
2 good G&E, being at that particular time.

3 My concern is about all of the rider
4 errors that I have on my bills. I have costs here
5 that I could show you of what has transpired in
6 just the past three months, I have had excess
7 of -- a bill for four hundred -- and let me get it
8 right. Four hundred seventy-four dollars and
9 eighty-two cents and that was paid. It doesn't
10 matter when it was paid. 1-17-09. I called,
11 started calling because of my concern of the
12 amount of riders that was on there. I called the
13 community action agency and I was complaining
14 about all of these riders. And I was told that
15 this is the way it is. So I had a four hundred
16 seventy-four-dollar bill and eighty-two cents.
17 The next month I had four hundred three -- four
18 hundred fifteen dollars, I have had four hundred
19 thirty-one dollars, this is just within a
20 three-month period. And like I said, I have
21 underground electric. So I wasn't without
22 electric.

23 I keep my thermostat at about
24 sixty-five degrees and I have to wear a jacket
25 because it is cold. It is just cold in there. So

1 anyway, my concern is of all of these riders. And
2 this one billing here, I have a rider of one
3 hundred seventeen thirty-two for a FBP rider.
4 They told me, on the back of my billing I could
5 find out what all of these riders were about.
6 Well, I received all of this and I have a copy of
7 the riders and they really don't make a whole lot
8 of sense. And it didn't help a whole lot because
9 these riders overrode the amount of money that I
10 was paying for my electric, they were higher, the
11 riders were higher than my actual usage and/or
12 delivery charges and/or original charges. It was
13 overrode by this. So in the past three months I
14 have had in excess of way over twelve hundred
15 dollars in electric bills. And, of course, like I
16 said, it is because of this increase of these
17 riders.

18 So anyway, I don't know what the
19 company is going to do about these increases, if
20 anything. But I know for one thing that if you
21 are sitting in a home at sixty-five degrees and
22 wearing jackets, just like what I have on here and
23 you are not comfortable, then it just really isn't
24 good for you. It just isn't good.

25 So I guess my complaint is that we

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1 have an excessive amount of energy costs that I
2 feel we shouldn't have. And like everyone has
3 spoken here, the increases continue and it never
4 goes down. Thank you.

5 MR. SCHRIBER: Let me call Richard
6 Lammrish.

7 MR. LAMMRISH: I am going to pass.

8 MR. SCHRIBER: Okay. You'll pass.
9 Maureen Dwyer.

10 (Thereupon, the witness was sworn by
11 the Chairman.)

12 MR. SCHRIBER: Your name and address,
13 for the record.

14 MS. DWYER: 4192 Brandemore Drive.

15 I would just like to say I wasn't
16 prepared to talk this evening, and I'm listening
17 to what everyone is saying, I think you raise a
18 very good point. And I'm sitting here doing the
19 math, thinking four hundred dollars in one month
20 and there is over a million people that live just
21 in Cincinnati. We are not only talking about
22 Ohio, North Carolina, South Carolina, that's like
23 way, way, just four hundred million in just this
24 city. What is Duke doing with this money? Where
25 is it going? What is it paying for? I want an

1 explanation of that. I am not going to gripe and
2 repeat everyone's complaints, because they said it
3 very well from the bottom of their heart. I have
4 a strong feeling we won't hear from you. We won't
5 see it in writing. I would like to see a pie
6 chart or graph where the money is going, and you
7 testify that it is the truth. There is no secrets
8 going on here. And what about Ohio not having a
9 part of the stimulus bill because of the high
10 fixed rate that all consumers have to pay because
11 of this increase. You know, I want to know, what
12 part of that -- of our state is going to suffer
13 because of this increase Duke may be imposing.
14 And where is the thirty-one million dollars going.

15 And I would like to say, you know
16 what, sometimes when you have losses in the
17 company, like our country is going to experience
18 with this new government we have going here,
19 because of taxes and that, we have to cut our
20 losses. And that's tough and we have to work
21 harder. And I think you had some losses during
22 the storm. I think you had some losses, that's
23 it. I don't know where the thirty-one million
24 dollars, what is it paying for? It is over, it is
25 done with. I am not sure I understand the

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1 business, how it works. Because I'm a nurse
2 practitioner and when my patients don't come in
3 and show up, I don't get paid, it eats into my
4 Kroger bill. You know what, I don't charge my
5 next patient to make up for my losses. And I
6 think it's immoral and unethical. And shame on
7 you, Duke. You are a big company, I think you
8 should have had it figured out a long time ago to
9 anticipate these losses. Thanks.

10 MR. SCHRIBER: Okay. John Laake.
11 Good evening. (Thereupon, the witness was sworn
12 by the Chairman.)

13 MR. SCHRIBER: Name and address.

14 MR. LAAKE: John Laake. I have two
15 A's. I am not all wet that way. I live at 4175
16 Edinburgh, Cincinnati, 45245.

17 As I look at this, we are paying for
18 distribution costs, lines, I suppose. Repairing
19 of the old -- trimming around the trees of the
20 old. Then they say customer service, people
21 talked about earlier, which I don't know what you
22 mean by that. Processing our bills as we look at
23 the environment, economic environment right now,
24 things are very slow. There is not going to be
25 much construction in Ohio or our area for the next

1 three to five years. Do we need to be putting in
2 new lines or are we putting them in for the
3 Cincinnati trolley, which is going to be a big
4 bust. Are we putting them in for electric cars
5 that aren't efficient? What are these lines for?
6 It just sounds like nice things to me. People
7 have talked about other issues, who's getting the
8 seventeen to twenty percent raise? What company
9 is making seventeen to twenty percent increase?
10 Why is PUCO looking to do this? And that's
11 brought down from the twenty-seven percent that
12 was proposed.

13 Yesterday there was a great tea party
14 downtown, maybe PUCO and Duke need to take a look
15 at that. Thank you.

16 MR. SCHRIBER: Let me be clear on one
17 thing, the Commission staff makes a
18 recommendation, the Commissioners, and there's
19 five of us, make the ultimate decision, which is
20 not necessarily consistent with what is proposed
21 by the company or by our staff. So our staff is
22 an independent party in this. Just for the
23 record.

24 Ruth Hardy.

25 (Thereupon, the witness was sworn by

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1 the Chairman.)

2 MS. HARDY: Okay. Ms. Hardy, do you
3 want to give your address, please?

4 MS. HARDY: 7757 Anderson Oaks Drive,
5 45255.

6 I just want to re-emphasize the
7 timing issue. At a time when citizens are
8 struggling with the effects of an extreme
9 recession, losing their jobs, not getting raises,
10 declining wages, taking pay cuts, losing their
11 assets, 401(K) and other retirement accounts. And
12 I want to reiterate the predicament of people on
13 fixed income trying to stay in their homes. We
14 don't want to get to a place where California is
15 at, where they have tent cities, because people
16 are not able to stay in their homes.

17 At the same time, health insurance is
18 cutting the coverage and not their payments. So
19 people on fixed incomes are getting hit that way.
20 There is a credit shortage. PUCO and Duke need to
21 get real. Raising rates is just going to cause
22 more suffering and compound negative economic
23 outcomes for all of us. This fixed rate change
24 that all customers must pay regardless of usage
25 discourages energy efficiency because it is not

1 rewarding consumers who try to save energy.

2 PUCO just allowed a raise in December
3 of '08. They are not protecting the consumers
4 they are representing adequately. And Duke Energy
5 should put more energy into biofuel and
6 geothermal. They can benefit and we can all
7 benefit. Duke should assist the customer with
8 decreasing inefficiency. And this will help
9 pollution, costs and climate warming.

10 Looking at my bill, the same period,
11 December of 2004, we used three thousand two
12 hundred kilowatt hours and paid one hundred
13 eighty-three dollars. In 2009, we used only three
14 thousand kilowatt hours because we have been
15 trying to conserve more and we paid two hundred
16 eighty-five.

17 I have a central nervous system
18 muscle disorder, temperature control abnormality
19 is part of that so I'm constantly cold. I wear a
20 T-shirt, two sweaters and two sweatshirts on top
21 of that all the time at home, and I just can't
22 lower the temperature anymore.

23 MR. SCHRIBER: Okay. Kim Owen.

24 MS. OWEN: It's already been stated.

25 Thank you.

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1 MR. SCHRIBER: Thank you. Frank
2 Haar, maybe.

3 MR. HAAS: H A A S.

4 MR. SCHRIBER: That's it. Thank you.
5 Sorry about that, Mr. Haas.

6 MR. HAAS: No problem.

7 (Thereupon, the witness was sworn by
8 the Chairman.)

9 MR. SCHRIBER: Give your address,
10 please.

11 MR. HAAS: My address is 4000 Hopper
12 Hill Road, 45255.

13 Mr. Schriber, Duke Electric and
14 assembly. I was here last year.

15 MR. SCHRIBER: I remember.

16 MR. HAAS: I cannot believe that you
17 are asking for another increase. Does anybody
18 read the paper on Duke Electric and see what is
19 going on in the country? Come on. Think about
20 it. Bear with me. I'm angry. I'm partially
21 disabled for life. You see how I'm dressed?
22 Doctor tells me I have to have the house at
23 sixty-seven degrees, otherwise, my back stiffens
24 up, I could get pneumonia and die. It is not a
25 pleasing situation to live in. That's not your

1 problem. That's mine. But how many other people
2 are like that? What happened to the compassion
3 and respect for the citizens of the United States
4 of America. That's kind of gone down the tubes,
5 hasn't it? I want you to think about something.
6 Seventeen to twenty percent increase on top of the
7 storm damage that has to be rolled back on us.
8 They said before, when is the last time anybody
9 around here got a seventeen to twenty percent
10 increase in wages? I was a machinist, before that
11 I was a general manager for my dad's restaurant.
12 Probably some of you older people remember the
13 Beachmont Golden Point. We owned the one down in
14 Lockland as well. You know something, we had to
15 work our tails off. Mom was in there at 5:00
16 o'clock in the morning, we closed at 1:00 o'clock
17 in the morning, seven days a week. We worked.
18 And when times were hard, and in the '70's it was
19 bad, and what we did, we cut back. People weren't
20 buying much in way of food then. We had to cut
21 back on the staff. We tried to keep every single
22 one of our eighteen full-time employees and eleven
23 part-time employees, we had to cut their hours a
24 bit, we couldn't cut their wages, that's federal
25 law, I know that. But we tried to be as

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1 compassionate and help them out as much as we
2 could. And sometimes it was out of our own
3 pocket. It is called team work. It is called the
4 American dream. It is called being a citizen of
5 the United States of America. When was the last
6 time Duke had a layoff? I believe it was in the
7 early '90's. It was a technology layoff. I
8 happen to know that one. I believe, that I said
9 that last time, Mr. Schriber.

10 MR. SCHRIBER: Yes.

11 MR. HAAS: To fix a light in our
12 parking lot from this storm damage this past
13 September, guess when it got fixed. A week ago
14 this week. This Wednesday. One hundred seventy
15 days and it took ten whole minutes to fix the
16 light.

17 My wife could be paralyzed for life,
18 I'm seventy-one, my wife is seventy-one today.
19 Our parking lot is paved, and it is all black
20 asphalt. You all know what black ice is like in
21 the wintertime. So it is pitch black out there.
22 You know what we were told, and this is recorded
23 because we told customer service last Wednesday,
24 well, that is just one of the things in life,
25 isn't it? I have to walk on black ice too. You

1 just have to buck it up. Oh, I'm telling you when
2 we told customer service, she wanted to know the
3 name. I am not out for people's jobs. We all
4 need our jobs. We are all hurting. One hundred
5 seventy days. Is that Duke efficiency?

6 I'm asking you, I imagine you people
7 here are from Duke Electric. Suppose something
8 went wrong in your department and you took one
9 hundred seventy days to straighten it out and it
10 would take ten minutes. Do you think you would
11 have your job long? You wouldn't work for me,
12 that's for sure.

13 My charges for distribution fees, how
14 about putting it on the nonresidential customers,
15 you know, some twenty odd customers. A year or
16 two ago, they got a nice little deal here, you
17 know, while us residential customers, we got hurt
18 bad. And that's before the economic hit. The
19 slide. You know, thirty-one million dollars for
20 recovery from the storm. That's the cost of doing
21 business.

22 My dad had the Golden Point, some of
23 you remember it. Well, we would have one
24 restaurant, Sandy's down there, then McDonald's
25 came in, a few others, those things really hit.

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1 The depression of the '70's hit. We had to cut
2 back, we had to watch ourselves. We stayed in
3 business after mom and gram passed away and my dad
4 reached retirement age. He had an aneurysm it was
5 so bad we didn't think dad would live. We were on
6 thirty minute call from the doctor at any time.
7 The neurosurgeon said he might die, that's not
8 here or there. The idea is, my brother and I got
9 in there and ran the restaurant for dad, because
10 mom and gram were gone. We had to cut back. I am
11 not a bookkeeper. My brother tried to figure out
12 how to make ends meet. We got together with our
13 suppliers and we run sales. They all got together
14 with us. We run team work and run sales. And
15 when dad, by the grace of God, eight months later
16 was back on his feet, able to walk into the side
17 door of the restaurant, what are you doing in
18 business, kid? Kid. Anyhow. He looked at the
19 books and said, how are you making a profit? I
20 told him how we did it. That's part of doing
21 business. You are going to get hit from time to
22 time, you are going to have all kinds of
23 unforeseen stuff. I walked in that restaurant, so
24 help me I could have fainted. Both the walk-in
25 and freezer boxes are down. I am not an

1 electrician, I don't fool with electric. I know
2 what you get from that, I got hit by a 440 60 amp
3 one time, and the life squad brought me around in
4 the office. That was no fun. Boy, I wore that
5 one on my right chest for about three weeks. I
6 don't fool with electric. But I tell you one
7 thing, we got the restaurant up and running,
8 that's part of the American team work. We are all
9 supposed to get together. The companies and
10 people work together. Even the government is
11 supposed to be on our side. I think. I hear a
12 rumor about that sometimes.

13 All companies when they set up their
14 books and rates, they figure that they are going
15 to get hit from time to time. This is part of
16 doing business. I know you guys have to figure
17 that in your costs of business, because you are
18 employed. Otherwise, you would be out the door
19 real quick. This is normal business practice. I
20 would strongly suggest for Duke Electric, take a
21 look at the pay raises, the incentives, the
22 bonuses, the salaries of your middle level
23 management, your senior level management and let's
24 just put this down for awhile. Let's just cut
25 some of this out. Let's get down to reality. You

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1 know, if the company is downsizing, and we are all
2 taking a hit, we have unemployment, we have
3 elderly that can't make ends meet and we are
4 walking around in sixty degree weather with the
5 lights out. It is about time some of the
6 companies started, you know, having a little bit
7 of ethics and start downsizing too.

8 I heard today in the paper about
9 these ungodly bonuses that some of these bankers
10 and people are getting. I can remember back in
11 the fifties my dad saying, when they would have
12 stuff like that, it was almost like vigilanteism
13 about it. Where is the outrage today? Where is
14 the outrage? It is about time we put a stop to
15 this. Consider the elderly, the infirm, the
16 unemployed, and boy, we got a lot of unemployed,
17 tens of millions, and they are still sending our
18 jobs over to the people we fought in Vietnam and
19 Korea. I lost a lot of my friends over there.

20 My best friend from high school and
21 college went over to Korea and never came back.
22 He's a black man, but I loved him like my brother.
23 We ate at each others' houses. He was a fine man.

24 We got a lot of unemployed. We are
25 going to have to have some mercy, that's all there

1 is to it. It is up to you guys and you, sir, on
2 the council, the ethics, you have to have some
3 consideration. We are appealing to you to have
4 some ethical consideration, some moral
5 consideration for the people hurting, sir. I
6 don't want to put anybody on a trip, but that's
7 what we are here for tonight. If we don't speak
8 out -- if I remember right, my dad telling me, it
9 is the squeaking wheel that gets the grease, right
10 now the screech is heard from coast to coast and
11 border to border. That's what the tea parties are
12 about. And this was a start.

13 A friend of mine, who is a friend of
14 a friend of a covert ops, told me the operations
15 of this nation is unbelievable at the grass roots
16 level. It is something that -- I'm sorry. It is
17 something to think about. What are we going to do
18 about these people losing their homes, that they
19 have to chose between gas and electric, their
20 mortgage or medicine. I just dropped a medicine
21 this week, my copay was one hundred five, thirty a
22 month, I can't afford that. There is no way. To
23 be truthful, I wasn't reacting to it anyway. So
24 goodbye to that. We will play it by ear and see
25 what the almighty can do for us.

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1 Gentlemen, Ladies, Duke Electric, all
2 of America is downsizing. PUCO, all of America is
3 downsizing. Where are you going to stand with us?
4 Are you going to work with us or are you going to
5 earn a dirty name? That's something to think
6 about.

7 You know, I used to ask my management
8 down in Synco Products, what does integrity mean?
9 They could never answer me in eighteen years.
10 That's the last eighteen years I worked there
11 before I retired. Integrity is honesty, fairness,
12 compassion, respect, morality, among other
13 attributes.

14 I'm appealing to you people, please,
15 in Jesus' name, I don't mean to bring up religion,
16 but I'm asking for mercy for the people and the
17 Duke area here. Your timing is exactly W R O N G.
18 Do you need it? Take a look internally first.
19 Take a look internally. It is something to think
20 about. All of us are doing it. And many of us
21 are going without. I know some elderly people who
22 are down to one meal a day, cold, jackets and hats
23 on. This is the United States of America, at
24 least it still is. How about some respect,
25 morality and good planning, good timing. Take a

1 look internally, see where you guys can cut. I
2 haven't heard about any layoffs. I never seen
3 anything like that in the newspaper. And I have
4 several friends who work at Duke Electric, they
5 tell me they haven't had a layoff. This one
6 fellow says -- oh, he goes back twenty-eight,
7 thirty years. He says the only time he can
8 remember the layoff is back in the early '90's and
9 that was technology.

10 Please, please have mercy. Five
11 bucks a month doesn't sound like much, but it's a
12 whole lot when you consider it could buy a couple
13 of sandwiches for somebody that is hungry. This
14 is the United States, united we stand, divided we
15 fall. It is up to you. Thank you, sir. Thank
16 you.

17 MR. SCHRIBER: Okay. Ilse Hawkins.

18 (Thereupon, the witness was sworn by
19 the Chairman.)

20 MR. SCHRIBER: Name and address,
21 please.

22 MS. HAWKINS: My name is Ilse
23 Hawkins. My address is 6732 Linder Lane,
24 Cincinnati, 45244. My business is Eastside Sports
25 at 806 Ohio Pike. Right down the road.

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1 And I have a little different
2 approach to this issue. First of all, I think if
3 PUCO wants to permit Duke to increase my rates,
4 then it should be conditioned on elimination of
5 any rules or algorithms that would permit Duke to
6 charge consumers and small companies for energy we
7 do not use.

8 Let me relate two incidents that
9 brought this home to me. First of all,
10 residential. I inherited a house that was, had
11 been in my family for eighty years. I found that
12 Duke had been charging the bank that paid my
13 elderly relative's bills, who was in the nursing
14 home, for two gas meters she didn't have and never
15 had. I had a college student who decided he
16 wanted to live in the house we inherited. After
17 several thousand dollars of renovations, I am
18 putting in new gas lines at our own expense
19 inside.

20 I found I got a gas bill after
21 estimated readings that showed that I had not used
22 quite as much cubic feet that they said I had.
23 When they actually did get to do a reading, part
24 of this I think was probably my college student
25 didn't want to get up at 8:00 o'clock in the

1 morning, when they typically make their rounds in
2 that neighborhood at that time. After several
3 go-rounds, with Rocco D'Ascenzo, who is the
4 collection attorney for Duke, I got to meet with
5 him and a bookkeeper who told me, well, your
6 credit you had. I said how can I still owe you
7 money when I should have a credit because I didn't
8 use that many cubic feet. She said, well, an
9 algorithm that has been approved by PUCO allows us
10 to treat any day over sixty-five degrees as a
11 heating day. So you already used up that credit
12 even though you hadn't actually used the gas. I
13 asked for a copy of that rule and algorithm. And
14 I was told I would receive it, and I never did. I
15 let the issue drop, simply paid it because, of
16 course, the energy company has the power to cut
17 you off. If I didn't want my son without any
18 energy, power, I simply had to pay the bill. And
19 didn't have the time to fight it anymore at that
20 point.

21 But I did file a complaint with PUCO
22 last week and this has to do with my electric bill
23 for my business. I wondered why it was higher, so
24 I went on to read the second page of my bill. And
25 I called the electric company and I said, now, can

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1 you explain to me why, when it says I used
2 seventeen kilowatts I'm being billed for
3 twenty-three kilowatts. And they said, well, this
4 is a PUCO rule that permits us to charge -- and I
5 heard a lot of, about nonresidential customers,
6 but remember small businesses are hurting as
7 well -- that that permits us to charge you at
8 eighty-five percent of what you use during our
9 maximum load period. And our maximum load period
10 is, of course, is in the summer for electricity.
11 We have to use air conditioning, we cannot have
12 people dropping over from heat exhaustion while
13 playing basketball.

14 I also had a problem, because I did
15 not sign up for the ten minute per hour reduction
16 at Duke. Yet they were doing it anyway, which
17 made all of our lights go out, so we had to stop
18 business. They did get rid of that when I
19 complained. But there is certainly no mediation
20 of this complaint regarding having paid for the
21 six kilowatts of electricity I did not use. I
22 paid for the electric I used in the summer. I do
23 not think I should have to pay for someone else to
24 use my six kilowatts of electric.

25 I tend to believe it has something to

1 do, although without access to financial
2 documentation, I cannot prove it, that someone has
3 to pay for this side deal given to the big
4 customers.

5 Now, I am also a lawyer, and one of
6 the things I studied is antitrust law. One of the
7 practices that gave rise to the antitrust law,
8 Sherman Act from John Sherman of Ohio, was the
9 fact that small business people and farmers were
10 being charged more by the railroads to haul their
11 products to the nearest town. Whereas, people,
12 where they had long distance rail competition for
13 big businesses, those folks were receiving a lower
14 rate.

15 Okay. So my six kilowatts of
16 electricity, I'm sure, used by someone, but I
17 don't think I should have to subsidize it. A
18 legal monopoly is a public trust. And we should
19 not be charged for electric we do not use. We
20 should not be charged for gas we do not use. I'm
21 concerned about the consumers who might be on
22 budget billing who might be having their gas
23 possibly being charged to them as though every day
24 over sixty-five degrees is a heating day without
25 knowing that that occurs. I'm concerned about the

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1 small businesses who are so busy trying to keep
2 their businesses afloat, that they are not looking
3 at the second page of their electric bill to see
4 if they are paying for electric they are not
5 using. And I think that there are only two things
6 Duke Energy fears. One is your state
7 representative because they have to answer
8 ultimately to them. They are created as an agency
9 by the government. And if they do not -- if PUCO
10 does not act to protect the consumer and small
11 business, I suggest you contact your state
12 representative. And the other, of course, would
13 be an antitrust lawsuit. Thank you. I appreciate
14 the time.

15 MR. SCHRIBER: Thank you. Carl
16 Boeckman. We still have several more left. So I
17 ask, please be respectful, if you can, of other's
18 time so we can get them in here. Otherwise, we
19 will be here for a long time.

20 (Thereupon, the witness was sworn by
21 the Chairman.)

22 MR. SCHRIBER: Give your name and
23 address, please.

24 MR. BOECHMAN: Carl Boeckman. My
25 first name, C A R L, last name spelled B as in

1 boy, O E C H M A N. My address is 5700 Marmion
2 Lane in Cincinnati, Ohio, 45212.

3 Mr. Chairman, thank you for the
4 opportunity to address the Public Utilities
5 Commission of Ohio. I am testifying in opposition
6 of Duke Energy's proposed rate increase. I am a
7 resident of Cincinnati, Ohio, and a customer of
8 Duke Energy. Many of the items discussed herein
9 came from newspaper articles, talk radio, et
10 cetera.

11 Please allow me to discuss the
12 matter. The customers should not have to pay the
13 full amount of the expenses that were incurred
14 when hurricane Ike blew through our region. Duke
15 was slow to respond to the disaster costing
16 millions of dollars. The utilities released their
17 contractors to travel to Texas despite the fact
18 the local meteorologists were expecting strong
19 winds day before Ike arrived. Duke Energy has
20 meteorologists on staff to purchase electricity.
21 They should have predicted the high winds. Under
22 no circumstances should consumers be forced to pay
23 the contractor's expenses for traveling to Texas
24 and back.

25 One newspaper in Kentucky said that

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1 the utility company there was going to receive
2 federal money to help with the expenses that were
3 incurred during the ice storm in January of 2009.
4 Against my request, Cincinnati City Council
5 approved the rate increase because of a deal for
6 Duke to provide infrastructure for the trolley.
7 The trolley might not be built. There may be a
8 voter referendum against the trolley. I was
9 circulating the petition.

10 Duke Energy is being sued by a former
11 employee. Mr. Randy Freking, is the attorney.
12 This lawsuit involves an alleged price fixing
13 scheme. You can read the details in the
14 newspaper. No rate increase should be given while
15 the lawsuit is pending because consumers might be
16 entitled to a refund. The customer charge on the
17 gas side of the bill is excessive. The present
18 charge is twenty dollars twenty-five cents. By
19 October of this year, it will be twenty-five
20 dollars just to have my name in their computer and
21 for them to send out a bill.

22 Duke's response to streetlight
23 maintenance is poor. I had to make contact with
24 Duke on five occasions, over a period of five
25 months to get one streetlight replaced. I'm even

1 prepared to give the pole number of that light
2 this evening. After the fourth contact you learn
3 to take notes.

4 The Pleasant Ridge Community Council
5 is building a rain garden at the park. When the
6 project was first proposed the estimated cost was
7 three hundred fifty thousand dollars. I asked
8 where the money was going to come from and they
9 said it may come from a grant from Duke Energy and
10 Hamilton County Metropolitan Sewer District, who
11 also just raised their rates. Although, this may
12 be legal, it is my personal opinion utilities
13 should not be allowed to utilize profits to place
14 their names on convention centers, sponsor
15 unnecessary things.

16 I am also concerned about executive
17 pay. One article said Forbes Magazine, May 2007,
18 stated Mr. James Rogers, Chairman, President and
19 CEO earned 10.2 million dollars for total
20 compensation for the last fiscal year, which I'm
21 assuming 2006. He was tenth on the list of CEO's
22 in the utilities industry. There is a rumor that
23 the Duke building on Fourth Street has a penthouse
24 apartment for Mr. Rogers that was recently
25 remodeled. Although, Mr. Rogers has impressive

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1 credentials and graduated from Danville High
2 School, Danville, Kentucky, where I have
3 relatives, one has to wonder if his compensation
4 was excessive. What would President Obama say
5 today?

6 The economy is in terrible shape,
7 home prices are down, banks paying little
8 interest, people are unemployed, yet utility rates
9 go up. Why?

10 In summary, the items listed herein
11 should be enough to deny a rate increase. I keep
12 hearing from the pundits that bankruptcy should be
13 an option for General Motors. Bankruptcy should
14 be an option in this case also.

15 In conclusion, deny Duke Energy.
16 Allow them to file for bankruptcy if necessary.
17 Thank you.

18 MR. SCHRIBER: Fred Heyse.
19 (Thereupon, the witness was sworn by the
20 Chairman.)

21 MR. SCHRIBER: Proceed please.

22 MR. HEYSE: Fred Heyse, H E Y S E,
23 I'm at 8524 St. Imes Place, Cincinnati, 45255.

24 I would like to take a slightly
25 different perspective here so it is not

1 repetitive. So people said the higher costs are
2 questionable that are being covered, but I'm
3 making the assumption the higher costs need to be
4 paid. Who's going to pay them? Could it be the
5 state? I don't want the state to tax all of us
6 more just to cover these costs. Could it be the
7 shareholders? Actually, PUCO sets up a fairly
8 reasonable return for all of the shareholders and
9 virtually guarantees themselves. The alternative
10 is it is passed onto the taxpayers, us. That's
11 the proposition on the table.

12 I want to focus on what kind of costs
13 these are. These are delivery costs. They are
14 not generation costs where they are using some
15 kind of energy to create the electricity. It is
16 not being -- it cannot be purchased on the open
17 market someplace. These are just the costs to
18 take the electric from wherever it may be and put
19 it in our homes. Only Duke can do that. It's a
20 monopoly. Very clearly it's a monopoly. Who
21 manages that monopoly? That is PUCO.

22 Real clear, are the shareholders able
23 to include what Duke does. Not nearly as much as
24 PUCO. PUCO is the source of the issue here in my
25 mind. Because there is no incentive for Duke to

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1 operate more efficiently. And it operates on a
2 cost plus basis virtually and so they can be as
3 inefficient as they want and virtually guarantee
4 the profit needed for their shareholders. So PUCO
5 is really the boss and it is not managing Duke
6 very well.

7 I asked that PUCO, you, Mr. Schriber,
8 as the Chair of the Commission, not the staff, the
9 Commission, develop some incentive to make Duke
10 more efficient. One way to do that, deny this
11 rate increase and ask them to take greater
12 efficiencies internally to cover these costs.

13 Thank you.

14 MR. SCHRIBER: That brings us to
15 Robert Hale. Good evening, Mr. Hale.

16 (Thereupon, the witness was sworn by
17 the Chairman.)

18 MR. SCHRIBER: Please give us your
19 name and address for the record.

20 MR. HALE: 5176 Romohr Road,
21 Cincinnati, Ohio, 45244.

22 Years ago they talked about being
23 able to buy your electricity and gas from a
24 company, other than Cinergy. The gas years ago, I
25 read in the paper that they were going to have a

1 new deal where you could buy your electricity and
2 gas from a company other than Cinergy, since that
3 time I understand you can buy gas but you can't
4 buy electricity from any place but Duke. Now,
5 what went wrong with that deal? What is going to
6 happen? They passed that law with the idea we
7 were going to have options, rather than main
8 suppliers, but we don't. For what? That's all I
9 got. Thank you.

10 MR. SCHRIBER: Thank you. Okay.
11 Linda Bloom. Good evening, Ms. Bloom.

12 (Thereupon, the witness was sworn by
13 the Chairman.)

14 MR. SCHRIBER: Give your name and --
15 well, we know your name.

16 MS. BLOOM: 3847 State Route 132,
17 Batavia.

18 I guess I'm looking at a different
19 angle on this since you are the PUCO, which is the
20 Public Utilities Commission of Ohio, since at
21 least back in September I have seen truckers from
22 other states all around us, South Carolina,
23 different places, Duke is bringing in to do all of
24 the work for them. I think that they are going to
25 get their raise. They usually do. So I am not

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1 really optimistic about you ruling they are not
2 going to get them. But it would be nice to see
3 that the money we are putting out would stay in
4 Ohio, in our area. And why doesn't Duke hire
5 people locally to do the work? It surely cannot
6 be cost effective, and I don't know if that is
7 something you guys look at, but can't be cost
8 effective to hire other crews to come in, pay them
9 to stay in a motel since September, pay them
10 whatever, their food. I'm sure they get a stipend
11 for their food, maybe get a bonus for being away
12 from their families, paying them to go back and
13 forth, I'm sure to go home on the weekends, and
14 all of that cost then is passed onto us, either as
15 a subcontractor that bills Duke or Duke somehow
16 pays directly for motel or something.

17 And that's all I'm saying is the
18 people we have put into Duke should be able to
19 stay in Ohio, and we should hire our people, who
20 don't have jobs, and we should, and you, as the
21 PUC of Ohio should be looking out for us to keep
22 our work here, because that's where the money is
23 coming from.

24 MR. SCHRIBER: Thank you. That's all
25 I have in terms of folks who had signed up. Is

1 there anyone who has not testified that would like
2 to?

3 Okay. Well, having heard everything,
4 let me assure you that it has all been
5 transcribed. It will be part of the record that
6 the Commissioners will consider in addition to
7 lots of other testimony that we have. We have
8 more, there will be one downtown on Thursday,
9 there will be another one, I think, next week at
10 Lakota, so we are trying to cover the district
11 pretty well.

12 So with that, we are adjourned.
13 Thank you for coming out.

14 (Thereupon, the hearing was
15 concluded.)

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1 STATE OF OHIO)

2 COUNTY OF MONTGOMERY) SS: CERTIFICATE

3 I, Angela S. Moore, a Notary Public within
4 and for the State of Ohio, duly commissioned and
5 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 relative
11 or Attorney of either party nor in any manner
12 interested in the event of this action.

13 IN WITNESS WHEREOF, I have hereunto set my
14 hand and seal of office at Dayton, Ohio, on this _
15 _ _ day of _ _ _ _ _ , 2009.

16
17 Angela S. Moore
18 ANGELA S. MOORE
19 NOTARY PUBLIC, STATE OF OHIO
20 My commission expires 2-28-2011
21
22
23
24
25

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