

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

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In the Matter of the :
Application of The Dayton :
Power and Light Company : Case No. 09-754-EL-ESS
for Establishing New :
Reliability Standards. :

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PROCEEDINGS

before Mr. Henry H. Phillips-Gary and Mr. Gregory
Price, Attorney Examiners, at the Public Utilities
Commission of Ohio, 180 East Broad Street, Room 11-C,
Columbus, Ohio, called at 10:04 a.m. on Thursday,
March 11, 2010.

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1 APPEARANCES:

2 The Dayton Power and Light Company
3 By Mr. Randall V. Griffin
4 1065 Woodman Drive
5 Dayton, Ohio 45432

6 On behalf of the Applicant.

7 Richard Cordray,
8 Ohio Attorney General
9 By Mr. Duane W. Luckey,
10 Senior Deputy Attorney General
11 Public Utilities Section
12 Ms. Anne L. Hammerstein,
13 and Mr. Thomas G. Lindgren,
14 Assistant Attorneys General
15 180 East Broad Street
16 Columbus, Ohio 43215

17 On behalf of the Staff of the PUCO.

18 Janine L. Migden-Ostrander,
19 Ohio Consumers' Counsel
20 By Mr. Richard C. Reese,
21 Assistant Consumers' Counsel
22 10 West Broad Street, Suite 1800
23 Columbus, Ohio 43215-3485

24 On behalf of the Residential Consumers of
25 The Dayton Power and Light Company.

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1 Thursday Morning Session,

2 March 11, 2010.

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4 EXAMINER PHILLIPS-GARY: The Public
5 Utilities Commission of Ohio has called for hearing
6 at this time and place Case No. 09-754-EL-ESS, being
7 in the Matter of the Application of The Dayton Power
8 and Light Company for Establishing New Reliability
9 Standards.

10 My name is Henry H. Phillips Gary and
11 with me is Gregory Price. We are the Attorney
12 Examiners assigned by the Commission to hear this
13 case. Let us start with the appearances of the
14 parties. On behalf of the company.

15 MR. GRIFFIN: On behalf of the company I
16 am Randall Griffin, and I'll give my card to the
17 court reporter so she has the addresses and phone
18 numbers.

19 EXAMINER PHILLIPS-GARY: Thank you. On
20 behalf of staff.

21 MS. HAMMERSTEIN: Thank you, your Honor.
22 On behalf of the staff of the PUCO, Richard Cordray,
23 Ohio Attorney General, Duane W. Luckey, Chief, Public
24 Utilities Section, Anne L. Hammerstein, Assistant
25 Chief, 180 East Broad Street, Columbus, Ohio 43215.

1 EXAMINER PHILLIPS-GARY: Thank you. On
2 behalf of OCC.

3 MR. REESE: Thank you, your Honor. On
4 behalf of the Ohio Consumers' Counsel Janine
5 Migden-Ostrander, I'm Richard C. Reese, Assistant
6 Consumers' Counsel. My business address is 10 West
7 Broad Street, Suite 1800, Columbus, Ohio 43215.

8 EXAMINER PHILLIPS-GARY: Thank you.

9 MS. HAMMERSTEIN: Your Honor, if I could,
10 it was my fault, I neglected to add that the staff is
11 also being represented by Thomas G. Lindgren.

12 EXAMINER PHILLIPS-GARY: Thank you. Are
13 there any preliminary matters before we begin?

14 MR. GRIFFIN: I guess, your Honor, people
15 are turning to me so I'll wing it. I think the only
16 preliminary matter is to inform your Honors that we
17 are in the midst of settlement discussions. I don't
18 want to get into any details, of course, but I am
19 reasonably hopeful that a stipulation will be
20 reached, and I don't know that we have discussed a
21 particular time to continue this hearing but perhaps
22 if we extended it another couple weeks, that would be
23 an appropriate time for us to be able to present a
24 stipulation to your Honor if we reach one.

25 If we can't reach a stipulation, I would

1 imagine that we would want to come back at that
2 period of time and establish a more formal procedural
3 schedule because, for example, at this point we have
4 no filed testimony by any party so we wouldn't be
5 able to have an evidentiary hearing in two weeks, but
6 at that point we could set up a procedural schedule.

7 EXAMINER PHILLIPS-GARY: All right. Do
8 any --

9 MS. HAMMERSTEIN: Your Honor, if I may.

10 EXAMINER PHILLIPS-GARY: Yes, you may
11 proceed.

12 MS. HAMMERSTEIN: Thank you. I think
13 there had been some discussion among the parties and
14 the Bench to continue this proceeding until the 25th
15 of March, and the parties are still amenable to that
16 date.

17 EXAMINER PHILLIPS-GARY: All right. Is
18 that okay? But is the intent more for an
19 indefinite --

20 EXAMINER PRICE: Now, we are not sure
21 what you are asking for. Are you asking for an
22 indefinite or a two-week continuance?

23 MS. HAMMERSTEIN: I think we are asking
24 for a two-week continuance.

25 EXAMINER PRICE: If we do that, prepared

1 testimony would be due in a week under the code. Is
2 that going to allow enough time for parties to either
3 draft testimony or reach a stipulation?

4 MS. HAMMERSTEIN: Well, if that's the way
5 you are viewing it, then no. That would not permit
6 us enough time to do that.

7 EXAMINER PRICE: Let's go off the record.

8 (Discussion off the record.)

9 MR. GRIFFIN: Just for the record off the
10 record we just briefly discussed the future process
11 of this case. And in light of that the company would
12 request that we have a period of a week in which we
13 would report back to the Hearing Examiners as to --
14 the Attorney Examiners as to whether we have reached
15 a stipulation or whether we need to establish a
16 procedural schedule for an evidentiary hearing.

17 EXAMINER PHILLIPS-GARY: Do any of the
18 other parties --

19 MS. HAMMERSTEIN: Staff concurs in that,
20 your Honor.

21 EXAMINER PHILLIPS-GARY: All right.
22 Hearing no objection the request for continuance is
23 granted. The parties are requested to reply back to
24 the Attorney Examiners within a week letting us know
25 what sort of procedural schedule needs to be set,

1 what the status of the case is, and what steps we
2 need to take at that point in time. Are there any
3 other matters before us at this time?

4 MR. GRIFFIN: The only other matter I
5 wanted to mention, your Honors, and this will not be
6 an issue if we do reach a stipulation, but we have
7 recently received data responses back from the OCC
8 that we think are not particularly responsive, so if
9 we do not reach a stipulation, that may come before
10 you at some future point.

11 EXAMINER PHILLIPS-GARY: Anything else
12 from any of the other parties?

13 All right. Hearing no other matters
14 before us this hearing is continued and we will be --
15 we will wait to hear from the parties and set a date
16 in the future for the continuance of the hearing.

17 We're adjourned. Thank you.

18 (Thereupon, the hearing was adjourned at
19 10:10 a.m.)

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CERTIFICATE

I do hereby certify that the foregoing is
a true and correct transcript of the proceedings
taken by me in this matter on Thursday, March 11,
2010, and carefully compared with my original
stenographic notes.

Karen Sue Gibson, Registered
Merit Reporter.

(KSG-5180)

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Commission of Ohio Docketing Information System on

3/26/2010 2:30:58 PM

in

Case No(s). 09-0754-EL-ESS

Summary: Transcript Transcript from 3/11/10 hearing electronically filed by Mrs. Jennifer Duffer on behalf of Gibson, Karen Sue Mrs. and Armstrong & Okey, Inc.