

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

— — —

In the Matter of:

$$\vdots$$

Isaac Andrews,

•

Complainant,

$$\vdots$$

VS.

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Case No. 09-511-EL-GSS

$$\vdots$$

Dayton Power & Light
Company,

•

Respondent.

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— — —

PROCEEDINGS

before Mr. James Lynn, Attorney Examiner, at the Public Utilities Commission of Ohio, 180 East Broad Street, Room 11-D, Columbus, Ohio, called at 10:00 a.m. on Friday, April 16, 2010.

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— — —

1 APPEARANCES:

2 Mr. Isaac Andrews and
3 Ms. Glenda Andrews
3511 Wales Drive
4 Dayton, Ohio 45405

5 Pro se.

6 The Dayton Power & Light Company
By Mr. Edward N. Riser
1065 Woodland Drive
7 Dayton, Ohio 45432

8 On behalf of the Company
9 Dayton Power & Light.

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Friday Morning Session,

April 16, 2010.

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THE ATTORNEY EXAMINER: The Public
Utilities Commission of Ohio has assigned for hearing
at this time and place Case No. 09-511-EL-ESS, In the
Matter of the Isaac Andrews versus Dayton Power &
Light Company.

I am Jim Lynn, the attorney-examiner
assigned to hear this case. We will take the
appearances of the parties beginning with Mr. and
Mrs. Andrews. If you would state your name and
address, please, for the record.

MS. ANDREWS: My name is Glenda Andrews,
3511 Wales Drive, Dayton, Ohio 45401.

MR. ANDREWS: Isaac Andrews, 3511 Wales
Drive, Dayton

THE ATTORNEY EXAMINER: Thank you.

And representing Dayton Power & Light.

MR. RISER: Edward N Riser, 1065 Woodland
Drive, Dayton, Ohio 45432.

THE ATTORNEY EXAMINER: Thank you.

We will hear from Mr. and Mr. Andrews
fist.

- - -

1 GLENDA ANDREWS

2 being first duly sworn, as prescribed by law, was
3 examined and testified as follows:

4 DIRECT TESTIMONY

5 THE ATTORNEY EXAMINER: If you would like
6 to explain what brought you here today and the
7 details of your complaint, and then after you are
8 finished speaking, Mr. Riser has the opportunity to
9 ask you questions, and I may ask you some questions
10 as well.

11 MS. ANDREWS: Okay. During the season of
12 February and March billing cycle, we received a bill
13 for \$1,511 and I believe 44 cents.

14 THE ATTORNEY EXAMINER: What year was
15 this billing cycle?

16 MS. ANDREWS: 2009. And I was
17 overwhelmed at the fact that we got such a great
18 bill. I thought to myself there has to be such a
19 mistake. So I thought maybe one of the neighbors had
20 hooked up their line to our home and was juicing off
21 of us. That's the first thing. Then I thought, no,
22 we didn't live in that type of neighborhood.

23 I went out and I looked at the meter, and
24 in looking at the meter I noticed that the dial on
25 the meter was spinning so fast, it was going so fast,

1 and I thought to myself, something is going on,
2 something is wrong.

3 So I called my husband out and I said,
4 "Look at that meter. It's really going really fast."
5 So it just kept going fast, fast, fast, fast. And I
6 said, "Something is wrong."

7 So I shut down the system, and I thought
8 maybe that would slow it down. So I shut down the
9 system for a while, and so in shutting down the
10 system, I went and checked everything. I went to
11 check to make sure nothing inside was -- was wrong
12 with the computer or maybe the computer or something.

13 But I turned it back on and it began to
14 spin up again. So that's when I called Dayton Power
15 & Light and I told them something was wrong with the
16 meter, so they said they would send someone out.

17 When they sent someone out, the guy got
18 out of the truck, I believe the gentleman that sits
19 across from me now. He said, "Ma'am, I hear you are
20 having a big problem." I said, "Yes, it is a problem
21 that's overwhelming." He said, "You have a problem
22 if you have a \$1,500 bill." I said, "Yes, it is."

23 So when he got out and checked the meter,
24 in checking the meter he stated, "My clock cannot
25 keep up with this dial so you really have a problem."

1 He said, "First of all, let me check and see." I
2 said, "I think I need a new meter".

3 He said, "Before I change the meter," he
4 said, "let me check something, but definitely you
5 probably do need a new meter, but let me check to
6 make sure. "He said some type of dust, magnet dust
7 can accumulate behind and can cause a problem. He
8 said, "Let me check it."

9 So he took the globe off the wall and
10 when he took the globe off the wall, he did something
11 behind the globe, and he did whatever they do. Being
12 a technician, I guess he knew more about it than I
13 did. When he took the globe -- before he took the
14 globe off of the wall -- I'm getting ahead of myself.
15 He shut the power down and he took the globe off and
16 did some things and put it back up on the wall again.
17 When he put it back on the wall, it slowed down
18 tremendously. I assumed it was something inside the
19 meter.

20 So I told him, "Well, that's really
21 weird, that something could slow down that fast of a
22 magnitude." I told him -- he said, "Well, when did
23 you have this meter replaced?" I said, "I believe
24 the date is there for 2002 that the meter was
25 replaced." He said, "Well, that's pretty quick that

1 you have to replace this meter."

2 And so that was basically it. And then
3 he said he was tired -- I won't get into the
4 stipulation of that because that is neither here nor
5 there as far as that is concerned. He said he had
6 arthritis problems, and I told him I could relate to
7 that.

8 I asked him, "Are you going to change the
9 meter now?" He said, "I'm not going to change it
10 right now. Let's see what happens. I've taken it
11 off the wall and it seemed to have slowed down.
12 Let's give it a few days. Let's see what happens.
13 Let's give it a few days and see what happens."

14 So in a few days nothing happened. I
15 said, "Well, are they going to do something about my
16 bill? He said, "Well, ma'am, they have to take it up
17 with the office but I'm going to put it in my
18 report."

19 THE ATTORNEY EXAMINER: Mrs. Andrews,
20 when you say nothing happened, do you mean that the
21 meter continued --

22 THE WITNESS: It corrected itself. It
23 didn't go fast at all. It corrected itself. It
24 didn't speed up like it had before.

25 THE ATTORNEY EXAMINER: All right.

1 MS. ANDREWS: He said they would handle
2 that from the office there. He said he would put it
3 in his report what had happened and everything.

4 So I waited and waited, and the next
5 thing I knew, Andrew Ruthenshell came out and he had
6 a young man with him, he was an intern, and I guess
7 it was him that came out first, and he had an intern
8 with him, and they came out a day later. And then
9 about two days after that a David Harris came out,
10 and he had a couple of guys, I believe it was two
11 guys with him, and they came out with a camera.

12 But before then -- I'm getting ahead of
13 myself again. I had had a doctor's appointment.
14 When I came back home, one of the guys that came out
15 before then, I walked in the house and I asked my
16 husband was DP&L there? He said they were back in
17 the bathroom. And I said, "What is he doing back in
18 the bathroom?" He said, "He's looking at" -- we have
19 a little heater about this long but we don't deal
20 with that heater at all because it doesn't work. I
21 have furniture in front of it. We have furniture,
22 and we just -- I just don't mess with it at all.

23 And this guy had taken our heater. He
24 had dismounted it from the wall and he was working on
25 it. And I got upset. I told my husband, his lack of

1 understanding in so many ways, "Why did you let this
2 guy come in our home and dismount our heater from the
3 wall and take it apart?" He said, "Well, he wanted
4 to look at it. The next thing I knew, this guy had
5 dismounted our heater from the wall."

6 And that upset me tremendously and I got
7 upset about it. The next thing I knew these other
8 guys come out with cameras and start taking pictures
9 of our power box. So they say, "You have a lot of
10 cable wires on the wall." I said, "What does that
11 have to do with anything?"

12 "Ma'am, if you have a lot of cable wires
13 on the wall, that means you have some cable heating
14 in here someplace." I said, "That's not true.
15 There's no cable heating in here. We have a
16 furnace."

17 THE ATTORNEY EXAMINER: When you say
18 power box, you mean like a circuit breaker box in the
19 basement?

20 MS. ANDREWS: Yes. It's in the garage.
21 We have a slab. I have a picture of it if you desire
22 to look at it. I have a picture of everything.

23 I said, "If you want to really take a
24 look, let's go up in the attic. You want to take a
25 walk-through, I have nothing to hide."

1 So they took a quick walk-through and so
2 on, and I let them see, and I told them what the
3 other guy did. I let them do a quick walk-through in
4 my home because we had nothing to hide.

5 I said, "I hope you guys will fix this."
6 I can understand a certain amount, but looking back
7 on my past history, I said, "I cannot understand why
8 our electric bill can be more greater than it has
9 ever been in all of our history."

10 That's what I was upset about. So in
11 retrospect, I had the electricians come in, the
12 owners. I didn't deal with just the employees, but
13 the owners who were expert in their own and even
14 electricians who had also installed cable heating,
15 radiant heating, and so forth because.

16 I called the Architect Association in
17 Dayton and the state of Ohio to find out, to do my
18 homework as far as cable heating is concerned, to
19 find out really what it was. Because my daughter is
20 an architect, she told me to do my homework and stop
21 being upset about certain things but do my footnotes
22 and so forth and so on.

23 And I did that and had the guys come out.
24 And I asked them what it was and had them do whatever
25 needed to be done. They said cable heating, radiant

1 heating, is usually for apartments to dictate
2 different apartment complexes and different apartment
3 rooms and so forth because they delegate their own
4 cycle as far as heating is concerned.

5 So I grew concerned, and when we got on
6 the phone with Mr. Riser, they asked me in a
7 conference call, What did I desire? And I said,
8 Well, I would like for them to change my meter. So
9 he said he wasn't going to do that or adjust my bill
10 because he was on the content that we had cable
11 heating in our home.

12 So that's when I went to the source, and
13 I had -- we paid some electricians and the owners
14 that knew about it to come in and investigate, and
15 that's when I drew the letters up, and they came and
16 did a thorough investigation to find out we did not
17 have cable heating, as Mr. Riser said we did, and to
18 find out there is nothing in our home.

19 I even brought a history, when we came to
20 the conference, I brought a history of all the
21 appliances in our home. We had pictures of
22 everything in our home, every room in our home,
23 because we have two bedrooms, and one bedroom we just
24 use for a bedroom and the other bedroom we just use
25 it for an office, and it is just my husband and I.

1 So if there's any questions that anybody
2 would like to offer. Then when I got the paperwork
3 and everything, a few days ago, just last week. I
4 was -- it upset me that Mr. Riser would write a
5 letter and in that letter he stated he would offer me
6 \$100.

7 MR. RISER: Objection. The letter was in
8 the nature of settlement. I think settlement --

9 THE ATTORNEY EXAMINER: Mrs. Andrews,
10 let's focus mostly just on what -- I'll agree to the
11 objection. Let's focus mostly on what you have been
12 saying, that is, that you disagreed with the bill and
13 you had some electricians check for radiant heat and
14 so forth. Is there anything more you want to add to
15 that?

16 MS. ANDREWS: No, that's it.

17 THE ATTORNEY EXAMINER: Do you have any
18 further comments? If not, I will turn it over to
19 Mr. Riser for some questions and I have some
20 additional questions myself.

21 MS. ANDREWS: Sure.

22 THE ATTORNEY EXAMINER: Mr. Riser, do you
23 have any questions for the witness?

24 MR. RISER: Yes, I do.

25 - - -

CROSS-EXAMINATION

By Mr. Riser:

Q. Good morning, Mrs. Andrews.

A. Good morning.

Q. You mentioned you have some pictures, and I have some too that I will go ahead and introduce, kind of help everybody get a picture of what we're talking about.

Mrs. Andrews, that is Company Exhibit 2. I think you will recognize that. Can you tell the hearing examiner what that is a picture of?

A. This is a picture, as I have it also, this is a picture of our garage, which this is a picture of the wiring in our garage.

Q. Right. Those are your circuit breaker boxes?

A. Yes.

Q. And your meter. Thank you.

MR. RISER: This will be Company 3.

Q. I will ask you again to verify this, I believe it is a close-up of the door of one of those breaker boxes. Does that appear accurate to you.

A. That is a copy of the insert that I guess when the house was built, that's the insert that was installed when the house was built.

1 Q. You are referring to the page on the
2 inside of your breaker box door?

3 A. Yes.

4 Q. Right. And doesn't it say on the door
5 "cable heat" about the 10th, 12th and 14th lines?

6 A. Can I inject in that, sir?

7 Q. Sure, you can explain.

8 A. I can explain to you that it's possible
9 when the house was first built, but that is not
10 accurate as opposed to now.

11 Q. Okay.

12 A. That is probably an older -- that's
13 1955 as opposed to now. That's not accurate. That's
14 not accurate at all. As a matter of fact, Mr. Riser,
15 we had Evans Electric to come in and rewire that box
16 because those cables are not accurate at all.

17 Q. When did Evans came in and do that?

18 A. They came in and gave us an estimate of
19 \$2,400 to bring that box up and rewire and bring it
20 up to code, up to power.

21 Q. Have you had that done yet?

22 A. No, not yet.

23 Q. Now, let me ask, Mrs. Andrews, you said
24 that we had a conference call that I was on, and I
25 have to tell you I don't remember that.

1 A. With Ms. Colisimo.

2 Q. I remember our meeting here.

3 A. No. We had a conference call on the
4 phone with Ms. Lisa Colisimo and I think his name is
5 Mr. Saltzer. He was with the conference call when we
6 first came. He was the spokesperson that was here in
7 the meeting. He was on a conference call. He's the
8 one that transferred all the paperwork over to
9 Mr. Lynn. He was the spokesperson at the time.

10 Q. Okay.

11 THE ATTORNEY EXAMINER: Mr. Riser, I
12 think Mrs. Andrews is referring to what happened on
13 the informal level before it came to a formal
14 complaint that you submitted, and I took over from
15 there.

16 MR. RISER: Right. I got it.

17 Q. Okay. Let me ask you then two or three
18 more things, Mrs. Andrews. At the time you
19 experienced this high electric bill last winter,
20 didn't your Vectren gas bill go down for that same
21 period of time?

22 A. About maybe it went down about 75, 80
23 dollars that's because we used a wood-burning stove
24 and we used a gas stove. We didn't use the gas
25 stove. We had been using -- during the holiday

1 season what we do, our kids come in and we have a
2 gas -- wood burning furnace. We have two. We have a
3 wood burning fireplace, and due to the fact that the
4 winter before that we had used the gas wood burning
5 and we found out that was a little more expensive so
6 we didn't want, what you call it, the beautification
7 of the wood going and the gas going at the same time
8 so we eliminated one and went to the wood.

9 Q. Uh-huh.

10 A. That's why it went down. We burned a lot
11 of wood.

12 Q. All right. So you said that Vectren bill
13 only was only \$70?

14 A. No. 70 to 80 dollars. It was still up
15 in the 400s and so forth because when we first moved
16 in the house, it was like 695. We found out that we
17 had a grill, an indoor grill, and some of our -- my
18 daughter came and she said that some of the air was
19 going up through so we had the house insulated. We
20 start insulating a lot of the trouble spots.

21 Q. Okay. But let me ask you this. The PUCO
22 investigator, Christina Rodman, in a letter she wrote
23 to you last May noted, she talked about your Vectren
24 or apparently somehow gotten your Vectren history and
25 found out that your usage in December of 2007 was

1 360 cubic feet, but in December of 2008 it was only
2 72 cubic feet. That would be less than a fourth of
3 that same amount of gas.

4 A. Could you quote to me as far as dollars
5 is concerned? Because when you quote to me as far as
6 numbers are concerned, I'm not --

7 Q. Right. I can't convert it, but I guess
8 the point would be whatever the gas cost, you
9 apparently used only 25 percent of the amount you
10 used the year before.

11 A. It depends on the winter, sir. It really
12 depends on the winter, because we -- our house is not
13 equipped with electricity. So if it's not equipped
14 with electricity, it depends on where we are because
15 we spend a lot of time at my husband's town. We
16 leave and we go south a lot. So a lot of that has to
17 do with traveling time as well, because if we are
18 traveling, I'm going to turn that thermostat back to
19 a level comfortable enough not to absorb heat if we
20 are traveling. So that probably has a lot to do with
21 that as well because we travel.

22 Q. And were you traveling last winter then?

23 A. Possibly. Possibly. That could have a
24 lot to do with it.

25 MR. RISER: I don't have any further

1 questions.

2 - - -

3 EXAMINATION

4 By The Attorney Examiner:

5 Q. Mrs. Andrews, do you have a copy of the
6 bill in question with you today? Apparently there
7 was only one bill that really was in your opinion far
8 out of line to what you previously had been using for
9 electricity.

10 A. I do have a copy of other bills.

11 Q. Do you happen to have a copy of that
12 particular bill?

13 A. You are talking about the \$1,500 bill?

14 THE ATTORNEY EXAMINER: We will go off
15 the record for a minute.

16 (Discussion off record.)

17 THE ATTORNEY EXAMINER: After conferring
18 with Mrs. Andrews and Mr. Riser, Mrs. Andrews will
19 check her records and we will enter into the exhibits
20 in this case, refer to them as Andrews Exhibits 1, 2,
21 3, and Exhibit 1 will be this bill from Dayton Power
22 & Light that was sent out January 30, 2009, it
23 covered the period from December 17, 2008 to
24 January 20, 2009.

25 Then this will be Andrews Exhibit 2.

1 This bill was sent in late February of 2009,
2 February 23, and it covers the period of time from
3 January 20 through February 18, 2009.

4 Then finally we will have Andrews
5 Exhibit 3, a bill that was sent on April 13, 2009,
6 and it covers the time period from February 18, 2009
7 through March 19, 2009.

8 (EXHIBITS MARKED FOR IDENTIFICATION.)

9 Q. Mrs. Andrews, what you are indicating is
10 that up until this bill that was \$1,511.28, you would
11 typically not have a bill ever that high before.

12 A. Never.

13 Q. What was your average bill say for the
14 wintertime in some of those prior winter months in
15 late 2008? Do you recall what that might have been?

16 A. We were comfortable even during the
17 period we had Christmas lights, and I contacted the
18 previous owner, Mr. Steve Campbell, and I asked him,
19 at one point I said, "What was the highest bill ever
20 that had been in the house?" And he stated to me it
21 never had ever, as long as he lived there. He asked
22 me to contact Bruce Hackett, which was the owner
23 before him to contact him.

24 So I tried to do my background check to
25 find out what the highest bill was, and they both

1 said it had never escalated to that magnitude because
2 before then they had Christmas lights. So I never
3 had a problem with Dayton Power & Light, anything
4 like that, anything over two, maybe three hundred
5 dollars.

6 It depends on guests come in and out
7 during the holidays. Then when we were away, it was
8 comfortable for us. We try to conserve energy, try
9 to conserve. After that happened with the lights and
10 everything, we just -- I started cutting off
11 everything. I started cutting off TV, stopped
12 watching the news. It made me very scared, and I
13 told a lot of friends, cut off your TV and everything
14 else. It just left a bad taste in my mouth.

15 Q. You had said that you had -- when someone
16 came out to check your meter initially, in your
17 words, you shut down the system. The meter still
18 kept --

19 A. No. It slowed down for a while. After a
20 while it went back, and see what happened, it started
21 speeding back up again.

22 Q. When you said shut down the system, shut
23 off electric appliances?

24 A. No, no, no, the main system. The main
25 source, just the breaker box, main power switch, just

1 shut it down.

2 Q. You were indicating you had had, after
3 Dayton Power & Light raised the issue, the home may
4 have had electric radiant heat.

5 A. Yes, I had went to -- I thought -- I went
6 to --

7 Q. You said you had some electricians check.

8 A. I did. I didn't know what to do. I was
9 at a loss. I went to the city council, and they had
10 a meeting where the PUCO came to town, and they had a
11 meeting, and that's how I began to find out, do my
12 homework to get to this far. I didn't know what to
13 do. I went to the mayor, the city commission and all
14 of that, the county commissioners and so forth. And
15 you were in town, and they told me what to do and how
16 to go about filing this.

17 Q. You said you had some various
18 electricians from electric companies check.

19 A. Yes, I did.

20 Q. To see what the source of difficulty
21 might be.

22 A. Yes I did. Yes, I did.

23 Q. And you are saying they investigated what
24 was in the home and did not find evidence of electric
25 radiant heat.

1 A. No, no cable heating, no nothing, just
2 the furnace, no nothing. They had their little --
3 whatever that little thing, tool they use to find out
4 was there any extra going on with the house putting
5 out some type of current that would cause a problem
6 for something to be extra.

7 Q. When Mr. Riser was showing you these
8 photographs, Company Exhibits 2 and 3, which are
9 the --

10 A. They went through with that. They tried
11 to find out the different --

12 Q. For the record, these again are the
13 photographs of the labels or the descriptions of what
14 is inside the circuit breaker boxes. You had
15 indicated that, especially for Company
16 Exhibit 3 where it describes on the door of the
17 circuit breaker box, there's a couple lines that say
18 "cable heat." You made some remark about the cables
19 were not accurate, and you were to have some sort of
20 an electric company come in and rewire this.

21 A. What happened is when he came out and
22 said, "Ma'am, that's cable, cable, cable," I said
23 "No, that cable means" -- I thought it had meant
24 cable to my computer. That's what I thought it
25 meant. I thought he meant cable to my computer.

1 So he said, "Well, I'm going to shut it
2 down." He shut those lines down.

3 Q. When you say "he" did.

4 A. He did. He shut 15, 16 and 17 down.

5 Q. Someone from Dayton Power & Light?

6 A. Yes.

7 MS. ANDREWS: What is your name?

8 MR. SALYERS: Salyers.

9 MR. RISER: He did come out and someone
10 else working for him.

11 A. He said, "Go in and see what that shut
12 down." I went in to see what it shut down, and it
13 did, it shut down my computer, so my understanding it
14 was cable. And the electricians went upstairs and
15 they investigated. They tried their best. We went
16 up in the attic. They went from the front of the
17 attic to the back of the attic. They could not find
18 that power source or cable heating.

19 He said probably what had happened is
20 that somebody -- I know that when the house was
21 built, they had added on some more rooms to the
22 house.

23 Q. Some of the prior owners?

24 A. Yes. The guy who built the house had --
25 well, whoever brought it after him had an extra room

1 added on, which was the extra bedroom added on. And
2 what they did instead of having the breaker box, to
3 my understanding, what was told to me by the
4 electricians, is that they were too lazy or didn't
5 want the expense of having that breaker box broke
6 down and having those extra wires taken out, and that
7 breaker box needed to be broke down and those wires
8 needed to be taken out because it was really a hazard
9 to have those extended wires in there like that.

10 Q. Mrs. Andrews, are you indicating the
11 person telling you these things was an electrician?

12 A. Yes, he was.

13 Q. Are you indicating then that from what
14 you learned after the electrician examined things,
15 the electrician you hired examined things, are you
16 indicating that the home when it was originally built
17 had this electric cable radiant heat but at some
18 point later it was not working or something to that
19 effect?

20 A. No. The home, to be quite honest with
21 you, Mr. Lynn, the home was equipped with -- the guy
22 that originally had the home had all type speaker
23 systems. He had all type of electronic equipment you
24 can see that was placed through the house. He had --
25 there's a lighting system all the way around. He had

1 different phone lines and everything that, you know,
2 that was in the house. He had all -- the house was
3 originally built and owned I guess for a summer home
4 or day home by the guy that owned one of the
5 Ponderosa chains or whatever. He was kind of, to my
6 understanding, he had deep pockets to do all those
7 electronic things for that time period. So that's
8 what that extra wiring was for.

9 Q. I see.

10 A. That's what it was for because he had the
11 extended sockets, was on a little piece of whatever.
12 It a piece of wood or something. It was escalated
13 all the way around the walls where he had plug-ins
14 all the way around.

15 Q. So you are indicating then that the time
16 that you have been in the home, your heat was gas
17 heat.

18 A. Yes, it's all furnace. It's all furnace
19 and wood.

20 Q. You have a wood burning fireplace.

21 A. We have a wood burning fireplace and a
22 gas burning fireplace.

23 Q. According to your exhibits here, a couple
24 of months where your bill was high, there was more
25 than usual kilowatt-hours usage, you indicated. Did

1 you end up -- although you felt this bill was
2 excessively high, did you end up paying this bill?

3 A. I sure did.

4 Q. You did pay it?

5 A. I told my husband -- we felt helpless, to
6 be quite frank with you. We felt we were over a
7 barrel, and --

8 Q. Really then during the months that the
9 bill was in question as far as you're concerned, you
10 still did end up paying the bill in full.

11 A. Yes, we did, within a period of like
12 three or four months. We just hit it, made the
13 sacrifice and paid it off.

14 THE ATTORNEY EXAMINER: Let me see if I
15 have any other questions.

16 I have no other questions.

17 Mr. Riser, questions.

18 MR. RISER: If I may follow up.

19 - - -

20 RECROSS-EXAMINATION

21 By Mr. Riser:

22 Q. Mr. Lynn asked if you originally had
23 cable heat in it. I may have missed your answer. I
24 thought in our discussions at one point it was heated
25 with cable heating. In fact, some of the houses in

1 your neighborhood had been built that way, too.

2 A. To my understanding some had. According
3 to one of the state representatives, that came up,
4 and he said he's been there for quite sometime, and
5 he said some had boilers. His house had a boiler.
6 And he said that some of the houses up there during
7 that time span had cable heating in them. So my
8 understanding they had, yes.

9 MR. RISER: Thank you.

10 THE ATTORNEY EXAMINER: Mrs. Andrews,
11 thank you for your testimony, and you may take your
12 seat. Thank you for your exhibits.

13 Mr. Andrews, would you like to take the
14 witness stand? Do you have any comments you would
15 like to add?

16 MR. ANDREWS: One thing I want to say, I
17 just can't understand why the bill was so high at one
18 time before and came down. Something doesn't add up
19 that way.

20 THE ATTORNEY EXAMINER: Anything you
21 would like to add to what your wife said? I will
22 swear you in.

23 MR. ANDREWS: No, no.

24 THE ATTORNEY EXAMINER: Thank you.

25 Mr. Riser, would you like to call a

1 witness?

2 MR. RISER: The company witness is
3 Mr. Paul Salyers.

4 - - -

5 PAUL SALYERS
6 being first duly sworn, as prescribed by law, was
7 examined and testified as follows:

8 DIRECT EXAMINATION

9 By Mr. Riser:

10 Q. I hand you a copy of your testimony
11 already filed in this case. I will ask you, first of
12 all, to verify that.

13 MS. ANDREWS: Can I get a copy of his
14 testimony as well?

15 MR. RISER: Sure. Yes.

16 MS. ANDREWS: Thank you.

17 A. Yes, I can verify that.

18 Q. I jumped the gun. I should ask you to
19 state your name.

20 A. My name is Paul Salyers.

21 Q. And by whom are you employed and what do
22 you do there?

23 A. I'm employed by the Dayton Power & Light
24 Company, and I supervise the electric meter
25 department for Dayton Power & Light.

1 Q. And how long have you been working at
2 Dayton Power & Light?

3 A. About 43 years.

4 Q. And so you verified that this is the
5 testimony you filed in this case previously. And the
6 gist of that testimony I believe is your answer
7 No. 4 under which you say the meter test that you
8 conducted on the meter at the Andrews house showed
9 that meter was running accurately. Is that correct?

10 A. Yes, that's correct.

11 Q. All right. In response to some of the
12 things that came out from Mrs. Andrews' testimony,
13 I'd like to ask you a couple more questions, if
14 that's all right.

15 You did visit their residence, correct?

16 A. Yes, I did.

17 Q. And you went into their garage. And did
18 you see the breaker boxes here in Company Exhibits
19 2 and 3?

20 A. Yes, I did.

21 Q. And when you saw those, did they cause
22 you to suspect a cause for the high electricity
23 consumption?

24 A. In that there were several circuit
25 breakers that are identified by the index on the

1 panel door indicating cable heat, yes.

2 Q. So, in other words, when you had seen
3 there was at least a possibility, some suggestion
4 there was electric heat in the house led you to at
5 least consider the fact that electric heat would
6 cause some increase in electrical consumption.

7 A. Yes, that's true.

8 Q. Okay. When someone -- when a customer
9 believes they have a problem with their meter and you
10 go to test that meter, if the meter tests accurately,
11 as it did in this case, is it your job to figure out
12 what the problem is then that causes the high
13 consumption?

14 A. No, it's not DP&L's responsibility to
15 figure that out.

16 Q. Why did you -- but you did sort of look
17 into it in this case. Why did you do that?

18 A. We will do what we can to help the
19 customer to find out what may have caused it. In
20 some cases, not this one in particular, but in other
21 cases we have found where there is a device on that
22 the customer didn't realize, or there were some other
23 mitigating circumstances, such as an electric ground
24 that equates to electricity going to earth that they
25 didn't know. We try to find what we can without

1 spending a great deal of time.

2 Q. Have you ever seen -- Mrs. Andrews
3 mentioned a neighbor or someone was stealing
4 electricity from them. Have you ever seen a
5 situation like that?

6 A. Yes, I have.

7 Q. All right. So did you or anybody working
8 for you then when you saw this breaker box take any
9 action then based on what you saw there?

10 A. Yes. They saw electric heat and they --
11 Mrs. Andrews had testified that she graciously let
12 them go through the house to see if they could find
13 possible causes of the high usage, and they found a
14 baseboard heater in the bathroom, and they were
15 verifying that the wires that connected to that
16 heater actually went to a particular breaker in the
17 panel box, so they did go to that extent.

18 Q. What about the breakers for the cable
19 heat?

20 A. That's difficult to trace down and they
21 did not do that.

22 Q. Following those actions, though, is it
23 fair to say based on your understanding of the
24 records that the electric consumption at that
25 residence went back to normal or some kind of normal

1 range?

2 A. Yes, that's a fair statement.

3 Q. In your participation in the
4 investigation of the problems here, did you -- you
5 would have attended meetings -- did you attend
6 meetings with DP&L customer service people, the
7 people who had originally taken the call from
8 Mrs. Andrews or working from a customer service
9 standpoint?

10 A. Yes, I was in meeting with management
11 folks.

12 Q. Is that how you came to understand that
13 their issue was that they had received a high bill
14 caused by apparent high consumption?

15 A. Actually, we got the referral from the
16 first serviceman out to test the meter, and then the
17 meterman went out, and the meetings followed after
18 that, yes.

19 Q. You put it together later then.

20 A. Yes.

21 Q. That's fine. In those meetings -- so in
22 those meetings where this high electric bill, high
23 electric consumption was discussed, was it also
24 brought to your attention that the gas consumption
25 had gone down during this same period of time?

1 A. Yes, that was brought to my attention.

2 Q. And I guess I'll just ask you generally,
3 is there anything technical or otherwise that you'd
4 like to clarify or correct from Mrs. Andrews'
5 testimony?

6 A. Only in that she mentioned that her
7 understanding, very reasonably, it was that she was
8 thinking that the labeling on the panel where it said
9 cable and heat, she thought that had gone to her
10 computer. Electric heat runs off of 240 volts, and
11 computers generally run off regular 120 volts or
12 sockets. Without some extra wiring going on and some
13 labeling that should have gone on, you know, it's
14 possible but it's not probable that it was done that
15 way, that the heat circuits became the computer
16 circuits.

17 Q. So you found the DP&L meter to be
18 accurately recording the electricity?

19 A. Yes.

20 Q. And no other DP&L, possible DP&L-related
21 or DP&L-responsible cause for the high consumption?

22 A. That's true. The meter was accurate, and
23 I found no other reason, no reason for the high use.

24 MR. RISER: Thank you. I don't have any
25 more questions.

1 THE ATTORNEY EXAMINER: Mrs. Andrews, do
2 you have any questions?

3 MS. ANDREWS: Yes, I do.

4 - - -

5 CROSS-EXAMINATION

6 By Ms. Andrews:

7 Q. Were you the person to come out?

8 A. I was out with Mr. Richley and
9 Mr. Harris.

10 Q. Were you the first person to come out to
11 check the meter when I started having problems, or
12 were you the person when the young lady, Ms. Blair,
13 called my home and put me on the speaker phone
14 without my knowledge and discussed this situation?
15 Were you that person sitting in her office when I
16 asked her did she have anybody -- did she have me on
17 the speaker without my knowledge? Were you that
18 person?

19 A. No, I was not that person, nor was I the
20 first DP&L representative to come to your home.

21 Q. So you don't know anything concerning
22 what happened with the meter and what was done to the
23 meter before it got to your attention.

24 A. Some people that worked for me came out,
25 the metermen from the electric meter department

1 followed the serviceman or first DP&L rep out.

2 Q. Right.

3 A. And I know that they are the ones that
4 tested the meter. I saw the results of their
5 fieldwork.

6 Q. So you don't know per se that when he
7 first came, you don't know per se the actions that
8 were taken when he took the meter off the wall and
9 how he mangled, tangled, or dangled, whatever was
10 done to put the meter back to make it act right,
11 whatever.

12 A. What I know after he was there, my people
13 who are the meter experts found nothing wrong with
14 the meter, no tampering, nothing unusual of any sort,
15 and that the meter tested accurately.

16 Q. Okay. I heard Mr. Riser mention the fact
17 that it's a possibility that I thought the neighbors
18 were stealing, possibly stealing some of my electric.
19 But did any of your workers ever tell you that I have
20 a high, just as tall as my house, I have a privacy
21 fence that no one can come over so its impossible for
22 anyone to steal my electric or anything from my home?
23 I wanted to interject that as well.

24 And also I wanted to bring to your
25 attention as well that according to Exhibit No. 3,

1 you said that the cables --

2 THE ATTORNEY EXAMINER: Mrs. Andrews, as
3 long as you have question for Mr. Salyers.

4 MS. ANDREWS: I'm getting there.

5 Q. You said that the cable listing, it says
6 cable, cable. Now, is it a possibility, from your
7 understanding and your experience, that the wiring in
8 the power box doesn't have to be the same as far as
9 the wiring in the house is concerned? That would
10 just be a facade because this, as far as my box is
11 concerned, is a facade because it says, as you can
12 see, it says "pool light." I don't have a pool. I
13 just want to put that in there. I don't have a pool.

14 So that's it. Thank you.

15 THE ATTORNEY EXAMINER: Mrs. Andrews, so
16 your question to Mr. Salyers was.

17 MS. ANDREWS: The question to Mr. Salyers
18 is, I asked him about --

19 THE ATTORNEY EXAMINER: "He" being
20 Mr. Riser.

21 MS. ANDREWS: Mr. Riser asked Mr. Salyers
22 about the hookup as far as cable heating is concerned
23 to my house, as far as his guys coming out and
24 seeing. In other words, I'm trying to get back to
25 where he was trying to relate the cable wiring in my

1 house as far as the heating is concerned.

2 THE ATTORNEY EXAMINER: I think what you
3 seem to be saying, you are referring back to
4 Mr. Riser's question when he held up Company Exhibit
5 No. 3 and said there are some descriptions on the
6 label inside of the breaker box that said cable heat.

7 MS. ANDREWS: Yes, sir.

8 THE ATTORNEY EXAMINER: And is your
9 question for Mr. Salyers, are you saying even though
10 the description inside the breaker box said that, it
11 may not be accurate.

12 MS. ANDREWS: Yes, sir.

13 THE ATTORNEY EXAMINER: That's what your
14 contention or question is for Mr. Salyers?

15 MS. ANDREWS: Yes, sir.

16 THE ATTORNEY EXAMINER: Mr. Salyers, do
17 you have any response to that, whether or not the
18 description inside the breaker box is accurate or
19 not?

20 THE WITNESS: Yes, it is possible that
21 the labeling does not match what is actually in the
22 house, that is true.

23 Q. (By Ms. Andrews) And also, Mr. Salyers,
24 I'm sorry to be so quick, is it also a possibility
25 that some of my wires here could be dead?

1 THE ATTORNEY EXAMINER: Again, for the
2 record, Mrs. Andrews is holding up the Company
3 Exhibit No. 2, the photograph of both breaker boxes
4 in her garage.

5 Please go ahead with your question you
6 were asking him.

7 Q. Is it a possibility that some of the
8 wiring in my house that are in the garage, is it a
9 possibility in your experience that some of these
10 wires could be dead wires?

11 A. It is possible that some of your wiring
12 is not energized.

13 Q. Not active, all right. But that at one
14 point there could have been cable wiring and no
15 longer, could be dead, could be dead wiring and not
16 active?

17 A. That's a possibility.

18 THE ATTORNEY EXAMINER: Mrs. Andrews,
19 when you say "cable wiring," you mean the cable heat?

20 MS. ANDREWS: Yes, cable heat.

21 THE ATTORNEY EXAMINER: Do you have any
22 additional questions for Mr. Salyers?

23 MS. ANDREWS: No, I don't.

24 - - -

25 EXAMINATION

1 By The Attorney Examiner:

2 Q. Mr. Salyers, I have a few questions for
3 you. The bill that initially was of concern to
4 Mrs. Andrews and the one that is illustrated in
5 Andrews Exhibit 1 here, that's the bill for
6 \$1,511.28, was that bill an estimated usage or was
7 that an actual read? Do you have any knowledge of
8 that one way or the other?

9 A. I need to look at it.

10 THE ATTORNEY EXAMINER: Go off the record
11 for a moment.

12 (Discussion off record.)

13 THE ATTORNEY EXAMINER: Back on the
14 record here. Mr. Riser had brought some additional
15 company records up to Mr. Salyers for examination. I
16 had asked whether Mr. Salyers knew if the initial
17 bill in question was an estimate or actual read.

18 Q. What response would you have now?

19 A. This bill here that you handed me.

20 Q. Andrews Exhibit 1.

21 A. Yes. This bill backs up -- is from
22 December 17 to January 20.

23 Q. December 17, 2008 to January 20, 2009?

24 A. Yes, the bill for December 17 2008 was an
25 estimated bill. So it is possible that some of this

1 consumption that shows up on the actual read of
2 January 20, '09 was some catch-up from an estimate
3 that may have been low.

4 Q. So you are saying this particular bill
5 might have been -- it's in part an estimate and in
6 part an actual read then perhaps, or am I
7 misunderstanding?

8 A. What I'm saying is that the bill that
9 reflected the reading of December 17, '08 we got --
10 that was an estimated reading. That was not an
11 actual reading.

12 Q. Okay. A reading up to December 17, 2008.

13 A. Yes. Yes. So the period between
14 November '08, the reading date of November '08 to
15 December 17, 2008, that period of time was an
16 estimate.

17 Q. An estimate, okay.

18 A. But the reading that we billed on
19 January 20, 2009 was an actual read.

20 Q. Was an actual read. So you are saying
21 this bill which covers then December 17, 2008 to
22 January '09, your response is that's an actual read
23 or most of it is an actual read?

24 A. An actual read where we have an actual
25 read either visually or from our remote reader.

1 Q. And for this bill, help me out.

2 A. On this bill January 20, we have an
3 actual read.

4 Q. That's an actual read. The time period
5 that this bill covers, you went out and did an actual
6 read, that was at the end of the period this bill
7 covers?

8 A. Yes.

9 Q. The bills in subsequent months, again for
10 my own knowledge, for the record, Andrews Exhibits
11 2 and 3, were those actual reads as well?

12 THE ATTORNEY EXAMINER: Again, Mr. Riser,
13 if you need to bring up some information.

14 (Discussion off record.)

15 Q. Mr. Salyers, you examined some
16 information Mr. Riser had with him, and my question
17 had been whether the bills that were mailed out,
18 Andrews Exhibit 2 and 3, the bills that were mailed
19 out in late February of 2009, late March 2009,
20 whether those were actual or estimated reads?

21 A. Those are actual reads. Individually
22 they're all actual reads.

23 Q. All right. Thank you. And, Mr. Salyers,
24 there has obviously been quite a bit of discussion
25 during this hearing about the cable and cable radiant

1 heating system. You made a remark about the breakers
2 in the breaker box for the cable are difficult to
3 trace down. In other words, you're saying, my
4 understanding -- am I understanding you correctly,
5 are you saying that although on Company Exhibit 3 the
6 inside of the breaker box has several lines that say
7 cable heat, am I understanding you to say it is
8 difficult to actually determine whether there still
9 is cable heat or was cable heat? Can you elaborate a
10 little bit what you meant by "difficult to trace
11 down"?

12 A. Cable heat actually have cables embedded
13 in the plaster of the ceiling typically where it is,
14 and when it is turned on, it radiates heat down into
15 the room, warms things in the room. They in turn
16 warm the air in the room. They do come from a
17 thermostat, so it goes from the radiant cables in the
18 ceiling to a thermostat. Then the thermostat goes to
19 a breaker panel and ultimately a circuit breaker in
20 that panel. This is all done -- this is all in the
21 walls, between the walls.

22 Q. In other words, you're indicating all
23 this apparatus is embedded in the walls?

24 A. Yes.

25 Q. When you say it is difficult to trace

1 down, you're saying that aside from the breaker box
2 itself, there's not much you can see visually or
3 easily. Is that what you're saying?

4 A. Exactly.

5 Q. And a different question. When the
6 breaker box that's at Mrs. Andrew's home was tested,
7 was eventually tested, initially I guess there was
8 some DP&L service folks that went out to examine it
9 and then later you said it was tested, was that
10 ever -- was it pulled to be tested, or was it tested
11 on site?

12 A. I'm not sure I understood you correctly.
13 If I may restate, what we tested was the electric
14 meter, not the breaker panel.

15 Q. I'm sorry, I misstated. I meant the
16 meter.

17 A. Okay.

18 Q. Is that pulled to be tested?

19 A. It is tested on site.

20 Q. I see. And it was determined, from what
21 you're testimony indicates, that it was within the
22 margin of accuracy permitted by the Commission so it
23 never was replaced.

24 A. That's true.

25 Q. Had the accuracy of her meter ever come

1 into question prior to this period of time that you
2 know of?

3 A. Not to my knowledge.

4 Q. There was also some discussion earlier in
5 this hearing about for the period of time in question
6 by Mrs. Andrews that some discussion about natural
7 gas consumption had decreased during the period of
8 time, cubic feet of consumption. Do you have any
9 evidence today of that? I realize you're not with
10 Vectren. Was there any records that DP&L brought
11 with them at this point in time of the prior
12 investigations into this case?

13 A. As a witness I do not have any records to
14 that effect.

15 THE ATTORNEY EXAMINER: Mr. Riser, do you
16 have any further questions?

17 MR. RISER: I have a couple things.
18 Mr. Salyers, a meter expert, is not a billing person
19 so he is not the person to -- I don't know if you
20 want to take -- judicially recognize the letter from
21 the PUCO Staff to Mrs. Andrews. I have copies of
22 that. That's where Christine Rodman of the Staff
23 explains she found that information in Vectren. It
24 was DP&L or people in the billing area that I believe
25 talked to Vectren to get that information.

1 THE ATTORNEY EXAMINER: Off the record.

2 (Discussion off record.)

3 THE ATTORNEY EXAMINER: Mrs. Andrews had
4 asked whether she could submit a photograph of the
5 outside of her home. After some discussion it was
6 agreed she could submit that as a late-filed exhibit.

7 MS. ANDREWS: And also if you would like
8 copies, I can submit some inside copies also.

9 THE ATTORNEY EXAMINER: Of the inside of
10 the home?

11 MS. ANDREWS: Yes. And also the attic as
12 well.

13 THE ATTORNEY EXAMINER: Why don't we --
14 since that's the only one as an illustration here, we
15 will leave it at that.

16 Mr. Salyers, thank you for your
17 testimony.

18 MR. RISER: Could I do a little bit of
19 redirect?

20 THE ATTORNEY EXAMINER: Sure go ahead.

21 - - -

22 REDIRECT EXAMINATION

23 By Mr. Riser:

24 Q. Mr. Salyers, I can't actually find where
25 it is in my notes -- I may be wrong so I am not

1 trying to lead you. I thought I recall that there
2 was another thermostat found in the home. Are you
3 aware of that, or is that not accurate?

4 A. When Andy Richley and Dave Harris and I
5 were there, I believe when we were coming through the
6 hallway where the mirrors and the like are, as we
7 come around, to my recollection we made a left turn.
8 On the wall then to the right there was a thermostat.

9 THE WITNESS: I think you indicated it
10 didn't work anymore because you had a different
11 thermostat for the furnace that was located in the
12 attic. That's what I thought I remembered.

13 MS. ANDREWS: That's the digital. That's
14 the thermostat to our furnace, period. That's our
15 home thermostat to our -- that's our original
16 thermostat. That's the digital thermostat to our
17 furnace, period. That's what we use -- that's the
18 original thermostat to our furnace. That's just to
19 the home, period.

20 THE ATTORNEY EXAMINER: Mrs. Andrews -- I
21 remind the court reporter, you are still under oath.
22 You are saying that you are referring to the
23 thermostat that is connected to your gas heat?

24 MS. ANDREWS: Yes. You said where the
25 mirrors are. That's near our bedroom. That's in

1 though the hallway. That's in our hallway.

2 Q. Did you see two thermostats during your
3 walk through?

4 A. I believe I did, but I'm I --

5 MR. RISER: We'll let it go at that.

6 Q. Let me ask you generally to make sure it
7 is clear. All the meter testing and activity that is
8 done, that's all done under your supervision or at
9 your direction; is that correct?

10 A. That's correct.

11 Q. And there are particular procedures that
12 have to be followed when that is done. Is that also
13 correct?

14 A. That is correct.

15 Q. To ensure it is done safely, obviously,
16 and done accurately?

17 A. (Witness nods head.)

18 Q. So the gentleman who went out before you
19 got there to test this meter would have followed
20 these procedures because that's the way it has to be
21 done.

22 A. The first DP&L representative that was on
23 the job was a service tech, and what they do, they
24 take a known load, such as a hair dryer, and connect
25 it to the meter, and they time the meter to see if

1 the meter indicates the load of the hair dryer. And
2 if it does within a reasonable percentage, we
3 assume -- we know the meter is okay.

4 That is not a calibration test of the
5 meter. That's where my department comes in, and we
6 actually do a calibration test where we compare watt
7 hours of the meter to a watt hour standard that has
8 the same power going through each.

9 Q. But in both cases, the tech going out,
10 and certainly when your people get out there, there's
11 a set of procedures. They don't go out there and
12 guess at things or start experimenting or anything
13 like that.

14 A. That's true.

15 Q. Let me ask you again. You have talked
16 about seeing the labeling on the circuit box and in
17 the label that mentioned cable heat. And I believe
18 you testified that at least triggered in your mind,
19 and maybe other DP&L people, that, gee, maybe this is
20 why the consumption went up. But is it fair to say
21 you're not a cable heat expert?

22 A. That is a fair statement.

23 Q. And it's not part of your job at DP&L to
24 examine the heating systems of customers.

25 A. That is true.

1 Q. In fact, it's not part of your job even
2 to figure out where the electricity goes once you
3 know that the meter is accurate?

4 A. That is also true.

5 Q. You simply determine that the electricity
6 that went through the meter was accurately metered
7 and anything else you do, as you said before, I think
8 was maybe an attempt to be helpful --

9 A. That is all true.

10 Q. -- to the customer.

11 MR. RISER: I don't have any other
12 questions.

13 THE ATTORNEY EXAMINER: Thank you,
14 Mr. Salyers. You can take your seat. Thank you for
15 your testimony.

16 Off the record.

17 (Discussion off record.)

18 THE ATTORNEY EXAMINER: First we will
19 need to have admitted into evidence everything that
20 was introduced as exhibits. That would be Andrews
21 Exhibits 1, 2 and 3, those were bills that
22 Mrs. Andrews brought with her we discussed earlier.

23 We also have Company Exhibits 1, 2 and 3,
24 that's the testimony of Mr. Salyers plus two
25 photographs of the breaker boxes in Mrs. Andrews'

1 home.

2 Are there any objections by anyone to
3 admission of any of the those exhibits into evidence?

4 Mrs. Andrews, do you have any objections
5 to the admission into evidence of those exhibits by
6 DP&L?

7 MS. ANDREWS: No, I don't.

8 THE ATTORNEY EXAMINER: Mr. Riser, any
9 objections?

10 MR. RISER: No.

11 (EXHIBITS ADMITTED INTO EVIDENCE.)

12 THE ATTORNEY EXAMINER: Thank you for
13 attending, especially after numerous postponements
14 that we couldn't control. That adjourns the meeting
15 for today. Thank you.

16 (The hearing adjourned at 11:21 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 Friday, April 16, 2010, and carefully compared with my original stenographic notes.

Rosemary Foster Anderson,
Professional Reporter and
Notary Public in and for
the State of Ohio.

My commission expires April 5, 2014.

(RFA-8429)

- - -

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Summary: Transcript Transcript of Isaac Andrews vs. Dayton Power & Light Company hearing held on 04/16/10. electronically filed by Mrs. Jennifer Duffer on behalf of Armstrong & Okey, Inc. and Anderson, Rosemary Foster Mrs.