

1 BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

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3 In the Matter of the :
4 Application of The Dayton :
5 Power and Light Company :
6 for a Finding that DP&L : Case No. 09-1986-EL-POR
7 has Satisfied Program :
8 Portfolio Filing :
9 Requirements. :

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11 PROCEEDINGS

12 Before Mr. Henry H. Phillips-Gary and Mr. Jonathan
13 Tauber, Attorney Examiners, at the Public Utilities
14 Commission of Ohio, 180 East Broad Street, Room 11-A,
15 Columbus, Ohio, called at 10 a.m. on Tuesday,
16 March 29, 2011.

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23 222 East Town Street, Second Floor
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APPEARANCES:

The Dayton Power and Light Company
By Ms. Judi L. Sobecki
1065 Woodman Drive
Dayton, Ohio 45432

On behalf of the Applicant.

Mike DeWine, Ohio Attorney General
By Mr. William L. Wright,
Section Chief
Mr. Werner L. Margard, III,
Mr. Thomas McNamee,
and Mr. Devin Parram,
Assistant Attorneys General
Public Utilities Section
180 East Broad Street, 6th Floor
Columbus, Ohio 43215

On behalf of the Staff of the PUCO.

Janine L. Migden-Ostrander,
Ohio Consumers' Counsel
By Mr. Terry L. Etter,
Assistant Consumers' Counsel
10 West Broad Street, Suite 1800
Columbus, Ohio 43215-3485

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

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| Joint Exhibit | Identified | Admitted |
|----------------------------------|------------|----------|
| 1 Stipulation and Recommendation | 5 | 7 |

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| DP&L Exhibit | Identified | Admitted |
|---|------------|----------|
| 1 Application | 5 | 7 |
| 2 Notice of Filing the Supplement to the Application | 5 | 7 |
| 3 Proof of Publication | 6 | 7 |
| 4 Direct Testimony of Emily W. Rabb | 6 | 7 |

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1 Tuesday Morning Session,
2 March 29, 2011.

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4 EXAMINER TAUBER: The Public Utilities
5 Commission of Ohio has called for hearing at this
6 time and place Case No. 09-1986-EL-POR in the Matter
7 of the Application of the Dayton Power and Light
8 Company for a Finding that DP&L has Satisfied Program
9 Portfolio Filing Requirements.

10 I am Jonathan Tauber, with me is Henry
11 Phillips-Gary, and we are the Attorney Examiners that
12 have been assigned to hear this case at this time.

13 If we could begin with appearances of the
14 parties starting with DP&L.

15 MS. SOBECKI: Judy Sobecki on behalf of
16 the Dayton Power and Light Company, 1065 Woodman
17 Drive, Dayton, Ohio 45432.

18 EXAMINER TAUBER: Staff.

19 MR. MARGARD: Thank you, your Honor. On
20 behalf of Staff of the Public Utilities Commission of
21 Ohio, Mike DeWine, Attorney General, William L.
22 Wright, Section Chief, Public Utilities Section, by
23 Assistant Attorneys General Werner L. Margard and
24 Thomas McNamee and Devin Parram, 180 East Broad
25 Street, 6th Floor, Columbus, Ohio.

1 EXAMINER TAUBER: On behalf of OCC.

2 MR. ETTER: Thank you and good morning,
3 your Honors. On behalf of the Ohio residential
4 customers, the Office of the Ohio Consumers' Counsel,
5 Janine L. Migden-Ostrander, Ohio Consumers' Counsel,
6 we are at 10 West Broad Street, Suite 1800, Columbus,
7 Ohio 43215. I am Terry L. Etter, Assistant
8 consumers' Counsel.

9 EXAMINER TAUBER: Thank you. I
10 understand at this point the parties have indicated
11 they have docketed a stipulation?

12 MS. SOBECKI: Yes, your Honor. There is
13 a stipulation signed on by all parties to the
14 proceeding with the exception of IEU-Ohio which is
15 not a signatory but they have indicated they are not
16 opposing the stipulation. I've marked it. I have
17 taken the liberty of marking it as Joint Exhibit 1.

18 EXAMINER TAUBER: So marked.

19 (EXHIBIT MARKED FOR IDENTIFICATION.)

20 MS. SOBECKI: In addition Dayton Power
21 and Light Company has four exhibits to mark. Dayton
22 Power & Light Exhibit No. 1 is the application in
23 this matter filed on December 23, 2009.

24 DP&L Exhibit No. 2 is the Notice of
25 Filing the Supplement to the Application that was

1 docketed on July 15 and July 16 of 2010. I've
2 distributed a copy of the notice of that document to
3 all the parties as well as all exhibits I've marked
4 today I've distributed to all parties for the
5 Intervenor.

6 With respect to Exhibit 2 it's a
7 voluminous document. The court reporter has the full
8 notice along with all exhibits, and it is available
9 on the PUCO Docketing Information System for anyone
10 who would like to see the full exhibit.

11 Exhibit No. 3 is DP&L's Proof of
12 Publication of the legal notice of the hearing
13 scheduled in this matter. That was docketed on
14 December 13, 2010.

15 And DP&L's Exhibit No. 4 is the Direct
16 Testimony of Emily W. Rabb. That was docketed on
17 March 25, 2011.

18 (EXHIBITS MARKED FOR IDENTIFICATION.)

19 MS. SOBECKI: Those are all the exhibits
20 that -- oh, and I apologize, I don't know if I talked
21 about the Joint Exhibit -- I did, Joint Exhibit
22 Stipulation and Recommendation, pardon me. So there
23 are four DP&L exhibits and a Joint Exhibit No. 1.
24 And we would move to admit those at this time.

25 EXAMINER TAUBER: Are there any

1 objections?

2 MR. MARGARD: No objections.

3 MR. ETTER: No objection.

4 EXAMINER TAUBER: All right. At this
5 time Joint Exhibit 1 and DP&L Exhibits 1 through 4
6 shall be admitted.

7 (EXHIBITS ADMITTED INTO EVIDENCE.)

8 MS. SOBECKI: And, your Honor, I do have
9 a witness that I would like to call to the stand
10 right now, Emily Rabb.

11 EXAMINER PHILLIPS-GARY: Let's go off the
12 record.

13 (Discussion off the record.)

14 EXAMINER PHILLIPS-GARY: Let's go back on
15 the record then.

16 EXAMINER TAUBER: Okay. At this time you
17 may call your first witness.

18 EXAMINER PHILLIPS-GARY: We are not going
19 to call the witness.

20 EXAMINER TAUBER: Okay. Is there
21 anything else to come before the Commission at this
22 point this morning?

23 MS. SOBECKI: Your Honor, DP&L has
24 nothing further.

25 EXAMINER PHILLIPS-GARY: All right. And

1 the witness is not being called because no party --
2 after discussion off the record, no party has
3 questions for the witness. And that's why we are not
4 calling a witness.

5 All right. Is there -- seeing that DP&L
6 has nothing further, does any other party have
7 anything further before us at this time?

8 MR. MARGARD: No, your Honor.

9 MR. ETTER: No, your Honor.

10 EXAMINER PHILLIPS-GARY: And we are
11 adjourned, and this case is submitted on the record.
12 Thank you.

13 (Thereupon, the hearing was concluded at
14 10:16 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 Tuesday, March 29,
2011, and carefully compared with my original
stenographic notes.

Karen Sue Gibson, Registered
Merit Reporter.

(KSG-5337)

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This foregoing document was electronically filed with the Public Utilities

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in

Case No(s). 09-1986-EL-POR

Summary: Transcript Transcript of Dayton Power and Light Company hearing held on 03/29/11. electronically filed by Mrs. Jennifer Duffer on behalf of Armstrong & Okey, Inc. and Gibson, Karen Sue Mrs.