

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

- - -

In the Matter of the :  
Application of The Dayton : Case No. 12-426-EL-SSO  
Power & Light Company for :  
Approval of its Market Rate :  
Offer. :

In the Matter of the :  
Application of The Dayton : Case No. 12-427-EL-ATA  
Power & Light Company for :  
Approval of Revised Tariffs.: :

In the Matter of the :  
Application of The Dayton : Case No. 12-428-EL-AAM  
Power & Light Company for :  
Approval of Certain :  
Accounting Authority. :

In the Matter of the :  
Application of The Dayton : Case No. 12-429-EL-WVR  
Power & Light Company for :  
Waiver of Certain Commission: :  
Rules. :

In the Matter of the :  
Application of The Dayton : Case No. 12-672-EL-RDR  
Power & Light Company to :  
Establish Tariff Riders. :

- - -

PROCEEDINGS

before Mr. Gregory Price and Ms. Mandy Willey,  
Attorney Examiners, at the Public Utilities  
Commission of Ohio, 180 East Broad Street, Room 11-A,  
Columbus, Ohio, called at 10 a.m. on June 25, 2012.

- - -

ARMSTRONG & OKEY, INC.  
(614) 224-9481 - (800) 223-9481

- - -

APPEARANCES:

Faruki, Ireland & Cox, PLL  
By Mr. Jeffrey S. Sharkey  
500 Courthouse Plaza, SW  
10 North Ludlow Street  
Dayton, Ohio 45402-1818  
Dayton Power & Light Company  
By Ms. Judi L. Sobecki  
1065 Woodman Drive  
Dayton, Ohio 45432

On behalf of the Applicant.

Vorys, Sater, Seymour and Pease, LLP  
By Mr. M. Howard Petricoff  
and Mr. Stephen M. Howard  
52 East Gay Street  
Columbus, Ohio 43216-1008

On behalf of Exelon Generation Company,  
Exelon Energy Company, Constellation  
NewEnergy, Constellation Energy  
Commodities Group, and Retail Energy  
Supply Association,

McNees, Wallace & Nurick, LLC  
By Mr. Samuel C. Randazzo  
Mr. Joseph E. Olikier  
Mr. Matthew R. Pritchard  
Mr. Frank P. Darr  
Fifth Third Center, Suite 1700  
21 East State Street  
Columbus, Ohio 43215

On behalf of the Industrial Energy  
Users of Ohio.

Bricker & Eckler, LLP  
By Ms. Lisa G. McAlister  
Mr. J. Thomas Siwo  
100 South Third Street  
Columbus, Ohio 43215-4291

On behalf of the OMA Energy Group.

APPEARANCES (Continued)

FirstEnergy Service Company  
By Mr. Mark A. Hayden  
76 South Main Street  
Akron, Ohio 44308

Calfee, Halter & Griswold LLP  
Mr. N. Trevor Alexander  
Mr. James F. Lang  
Ms. Laura McBride  
1100 Fifth Third Center  
21 East State Street  
Columbus, Ohio 43215-4243

Jones Day  
By Ms. Allison E. Haedt  
325 John H. McConnell Boulevard  
Suite 600  
Columbus, Ohio 43215-2673

Jones Day  
By Mr. David A. Kutik  
901 Lakeside Avenue  
Cleveland, Ohio 44114-1190

On behalf of FirstEnergy Solutions.

Whitt Sturtevant, LLP  
By Mr. Mark A. Whitt  
Ms. Melissa L. Thompson  
Mr. Andrew J. Campbell  
PNC Plaza, 20th Floor  
155 East Broad Street  
Columbus, Ohio 43215

Interstate Gas Supply  
By Mr. Vincent A. Parisi  
Mr. Matthew S. White  
5020 Bradenton Avenue  
Dublin, Ohio 43085

On behalf of Interstate Gas Supply.

APPEARANCES (Continued):

Duke Energy  
By Ms. Jeanne W. Kingery  
Ms. Amy Spiller  
155 East Broad Street  
Columbus, Ohio 43215

Thompson Hine, LLP  
By Philip B. Sineneng  
41 South High Street, Suite 1700  
Columbus, Ohio 43215-6101

On behalf of Duke Energy Retail Sales and  
Duke Energy Commercial Asset Management.

Krieg Devault, LLP  
By Mr. Steven M. Sherman  
Mr. Joshua D. Hague  
One Indiana Square, Suite 2800  
Indianapolis, Indiana 46204

On behalf of the Wal-Mart Stores East, LP  
and Sam's East, Inc.

IceMiller, LLP  
By Mr. Asim Z. Haque  
250 West Street, Suite 700  
Columbus, Ohio 43215-7509

Direct Energy Services  
By Mr. Joseph M. Clark  
6641 North High Street, Suite 200  
Worthington, Ohio 43085

On behalf of Direct Energy Services, LLC  
and Direct Energy Business, LLC.

IceMiller, LLP  
By Mr. Asim Z. Haque  
Mr. Christopher L. Miller  
250 West Street, Suite 700  
Columbus, Ohio 43215-7509

On behalf of the City of Dayton.

APPEARANCES (Continued):

Taft, Stettinius & Hollister, LLP  
By Mr. Mark S. Yurick  
Mr. Zachary D. Kravitz  
65 East State Street, Suite 1000  
Columbus, Ohio 43215-4213

On behalf of the Kroger Company.

Carpenter, Lipps & Leland, LLP  
By Ms. Kimberly W. Bojko  
Ms. Colleen M. O'Donnell  
280 Plaza, Suite 1300  
280 North High Street  
Columbus, Ohio 43215

On behalf of Solarvision, LLC.

Bruce J. Weston, Ohio Consumers' Counsel  
By Mr. Joseph P. Serio  
Ms. Melissa Ranay Yost  
Mr. Richard C. Reese  
10 West Broad Street, Suite 1800  
Columbus, Ohio 43215-3485

On behalf of the Residential  
Consumers of the State of Ohio.

Ohio Hospital Association  
By Mr. Richard Sites  
155 East Broad Street, Floor 15  
Columbus, Ohio 43215

Bricker & Eckler, LLP  
By Mr. Thomas J. O'Brien  
100 South Third Street  
Columbus, Ohio 43215-4291

On behalf of the Ohio Hospital  
Association.

Ms. Colleen Mooney  
231 West Lima Street  
Findlay, Ohio 45839-1793

On behalf of Ohio Partners for  
Affordable Energy.

APPEARANCES (Continued):

Ohio Environmental Council  
By Ms. Cathryn N. Loucas  
Mr. Grant Maki  
1207 Grandview Avenue, Suite 201  
Columbus, Ohio 43212

On behalf of the Ohio Environmental  
Council.

Mike DeWine, Ohio Attorney General  
William L. Wright, Section Chief  
Public Utilities Section  
By Mr. Thomas W. McNamee  
Mr. Devin D. Parram  
180 East Broad Street  
Columbus, Ohio 43215-3793

On behalf of the Staff of the Public  
Utilities Commission.

- - -

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

Monday Morning Session,  
June 25, 2012.

- - -

EXAMINER WILLEY: The Public Utilities Commission of Ohio has called for hearing at this time and place Case No. 12-426-EL-SSO, In the Matter of the Application of The Dayton Power & Light Company for Approval of its Market Rate Offer; Case No. 12-427-EL-ATA, In the Matter of the Application of The Dayton Power & Light Company for Approval of Revised Tariffs; Case No. 12-428-EL-AAM, In the Matter of the Application of The Dayton Power & Light Company for Approval of Certain Accounting Authority; Case 12-429-EL-WVR, In the Matter of the Application of The Dayton Power & Light Company for Waiver of Certain Commission Rules; Case No. 12-672-EL-RDR, In the Matter of the Application of The Dayton Power & Light Company to Establish Tariff Riders.

I am Mandy Willey, and with me is Gregory Price. We are the attorney examiners assigned to hear this case.

I will take appearances of the parties, beginning with the company.

MR. FARUKI: Thank you, your Honor.  
Charles Faruki, Faruki, Ireland & Cox, Dayton, for

1 the Applicant. With me is my partner, Joe Sharkey.  
2 Seated at counsel table is Judi Sobecki, senior  
3 counsel for the company, and Dona Seger-Lawson, the  
4 director of regulatory operations, and Richard Reed,  
5 who is a consultant to my law firm.

6 EXAMINER PRICE: Thank you.

7 Mr. Petricoff.

8 MR. PETRICOFF: Thank you, your Honors.

9 On behalf of Exelon Generation Company, Exelon Energy  
10 Company, Constellation NewEnergy, and Constellation  
11 Energy Commodities Group, as well as the Retail  
12 Energy Supply Association, Howard Petricoff and  
13 Stephen Howard from the law firm of Vorys, Sater,  
14 Seymour and Pease, 52 East Gay Street, Columbus,  
15 Ohio.

16 MR. OLIKER: Good morning, your Honor.

17 On behalf of the Industrial Energy Users of Ohio, Sam  
18 Randazzo, Joseph Oliker, Frank Darr, and Matt  
19 Pritchard of the law firm of McNeese, Wallace, 21 East  
20 State Street, Columbus, Ohio, 43215.

21 MR. ALEXANDER: Good morning. On behalf  
22 FirstEnergy Solutions, Mark Hayden, FirstEnergy  
23 Solutions; Jim Lang, Laura McBride, and Trevor  
24 Alexander from the law firm of Calfe, Halter &  
25 Griswold; and David Kutik and Allison Haedt, from the



1 law firm of Jones Day.

2 EXAMINER WILLEY: Thank you.

3 MS. THOMPSON: Good morning. On behalf  
4 of Interstate Gas Supply, Incorporated, Mark Whitt,  
5 Melissa Thompson, and Andrew Campbell, Whitt  
6 Sturtevant, LLP; and Vincent Parisi and Matthew White  
7 on behalf of Interstate Gas Supply.

8 MS. KINGERY: Good morning, your Honors.  
9 On behalf of Duke Energy Retail Sales and Duke Energy  
10 Commercial Asset Management, Jeanne Kingery and Amy  
11 Spiller, 139 East Fourth Street, Cincinnati, Ohio;  
12 and Philip Sineneng, S-I-N-E-N-E-N-G, of Thompson  
13 Hine, 41 South High Street, Columbus Ohio.

14 MR. SIWO: Good morning, your Honors. On  
15 behalf of OMA Energy Group, Lisa G. McAlister and J.  
16 Thomas Siwo from the law firm of Bricker & Eckler.

17 MS. MOONEY: On behalf of the Ohio  
18 Partners for Affordable Energy, Colleen M Mooney, 231  
19 West Lima Street, Findlay, Ohio.

20 MR. SHERMAN: On behalf of Wal-Mart  
21 Stores and Sam's Club, Steven M. Sherman, the law  
22 firm of Krieg Devault. I would also like to add the  
23 appearance of Joshua Hague.

24 MR. PARRAM: Good morning, your Honor, on  
25 behalf of the staff of the Public Utilities

Commission of Ohio, Ohio Attorney General Mike DeWine, Section Chief William Wright, by assistant attorneys general Thomas McNamee and Devin Parram, 180 East Broad Street, Columbus, Ohio, 43215.

MR. HAQUE: Good morning, your Honors. On behalf of the Direct Energy Business, LLC, Direct Energy Services, LLC, Asim Haque and Joseph Clark.

On behalf of the City of Dayton, Asim Haque and Christopher Miller, from the law firm of IceMiller, 250 West Street, Columbus, Ohio 43215.

MR. YURICK: On behalf of the Kroger Company, Mark S. Yurick, and Zachary D. Kravitz, the law firm of Taft, Stettinius & Hollister, LLP, 65 East State Street, Suite 1000 Columbus, Ohio 43215.

Ms. BOJKO: Good morning, your Honor. On behalf of Solarvision, LLC, Kimberly W. Bojko, Colleen M. O'Donnell from the firm of Carpenter, Lipps & Leland, 280 North High Street, Columbus, Ohio.

MR. SERIO: Thank you. On behalf of the residential utility customers of Dayton Power & Light, Bruce Weston, Consumers' Counsel, by Joseph Serio and Melissa Yost.

EXAMINER WILLEY: Thank you.

1 MR. SITES: Your Honor, Richard Sites and  
2 Tom O'Brien on behalf of the Ohio Hospital  
3 Association.

4 EXAMINER WILLEY: Thank you. Anyone else  
5 present who would like to enter an appearance?

6 MR. MAKI: Your Honor, on behalf of the  
7 Ohio Environmental Council, Grant Maki. I'd like to  
8 enter the appearance of Cathryn Loucas as well, 1207  
9 Grandview Avenue, 43212.

10 EXAMINER WILLEY: That's everyone.

11 By entry dated June 12, 2012, the  
12 attorney examiners granted the request from DP&L to  
13 call today's hearing as a call and continue and to  
14 suspend the deadline for intervenor testimony.  
15 Consequently, this hearing is called for that limited  
16 purpose.

17 At this time we will hear the company's  
18 proposal as to a new date to commence the evidentiary  
19 hearing in this case.

20 MR. FARUKI: Thank you, your Honor. We  
21 have had an off-the-record discussion about a  
22 possible hearing date, and the company put out a  
23 number of dates, one of which was August 27, and  
24 after discussion, I think where we are ending up is  
25 that for the moment we will shoot for August 13, with

1 a status report to be made to the attorney examiners,  
2 depending upon how both settlement progress and  
3 discovery goes, and the ultimate hearing date then  
4 would be August 13 or, if necessary, August 27.

5 With regard to other dates, your Honors  
6 are going to set a discovery cut-off. Whichever date  
7 ultimately applies, intervenor testimony would be due  
8 14 days before the hearing date, and staff testimony  
9 would be due seven days before the hearing date.

10 That would be my summary.

11 EXAMINER WILLEY: Thank you. At this  
12 time we will take responses from each of the parties,  
13 if you have a response. We will take those requests  
14 under advisement.

15 We will begin with Mr. Petricoff. Do you  
16 have a response?

17 MR. PETRICOFF: No, your Honor, other  
18 than that sounds like a workable plan and see how  
19 things progress whether we can do the earlier date.  
20 If not, the 27th would be fine.

21 MR. ALEXANDER: FirstEnergy Solutions is  
22 agreeable as well.

23 MS. THOMPSON: IGS is agreeable.

24 MS. KINGERY: Duke Energy is agreeable.

25 MR. SIWO: Your Honor, OMA Ohio is fine

1 with that approach.

2 MS. MOONEY: Ohio Partners for Affordable  
3 Energy is agreeable.

4 MR. SHERMAN: Wal-Mart and Sam's Club is  
5 agreeable.

6 MR. PARRAM: Staff is agreeable.

7 MR. HAQUE: Direct Energy and the City of  
8 Dayton is agreeable.

9 PARTICIPANT: I'm tempted to say  
10 something different to break up the monotony, but,  
11 unsurprisingly, I can't think of anything, so Kroger  
12 Company has no objection to the suggestions.

13 MS. BOJKO: Solarvision has no objection.

14 MR. SERIO: Consumers' counsel is  
15 agreeable.

16 MR. SITES: OHA is agreeable.

17 EXAMINER WILLEY: Thank you very much for  
18 your responses. We will take this under advisement,  
19 and we will set a hearing date and other items in the  
20 procedural schedule by subsequent entry.

21 Is there anything else to come before us  
22 today?

23 MR. FARUKI: Not for the company, your  
24 Honor.

25 MR. SERIO: I think, for the record,

1 there's no one from the public that showed up this  
2 morning wanting to testify, as much as the hearing  
3 was noticed for today.

4 EXAMINER PRICE: Thank you for clarifying  
5 that, Mr. Serio.

6 EXAMINER WILLEY: Thank you.

7 All right. Hearing no other business, we  
8 are adjourned until the date set by subsequent entry.

9 Thank you.

10 (The hearing adjourned at 10:17 a.m.)

11 - - -

12

13

14

15

16

17

18

19

20

21

22

23

24

25

CERTIFICATE

I do hereby certify that the foregoing is a true and correct transcript of the proceedings taken by me in this matter on Monday, June 25, 2012, 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-8806)

- - -

**This foregoing document was electronically filed with the Public Utilities**

**Commission of Ohio Docketing Information System on**

**7/10/2012 3:10:06 PM**

**in**

**Case No(s). 12-0426-EL-SSO, 12-0427-EL-ATA, 12-0428-EL-AAM, 12-0429-EL-WVR, 12-0672-EL-RDR**

Summary: Transcript of The Dayton Power and Light Company hearing held on 06/25/12 electronically filed by Mrs. Jennifer Duffer on behalf of Armstrong & Okey, Inc. and Anderson, Rosemary Foster Mrs.