

1 PUBLIC UTILITIES COMMISSION OF OHIO
2 STATE OF OHIO
3 (CASE NUMBER: 12-426-EL-SSO)

4

5 IN RE: IN THE MATTER OF: The Application
6 of the Dayton Power & Light Company for
7 Authority to Establish a Standard Service
8 Offer in the form of an Electric Security
9 Plan pursuant to Section 4928.143 of the
10 Ohio Revised Code.

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11 The above-entitled cause came on for
12 hearing before the Public Utilities Commission of
13 Ohio, at the Council Chambers of the Dayton Municipal
14 Building, 101 West Third Street, 2nd Floor, Dayton,
15 Ohio, on Tuesday, January 29, 2013, at 6:00 p.m.,
16 before Bryce A. McKenney, Attorney Examiner, and
17 Terence M. Holmes, professional court reporter, and
18 notary public within and for the State of Ohio.

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1 APPEARANCES:

2

3 On Behalf of the Public Utilities Commission
4 of Ohio:

5

6 Bryce A. McKenney
7 Attorney Examiner
8 180 East Broad Street
9 Columbus, Ohio 43215-3793
10 Bryce.McKenney@puc.state.oh.us

11 On Behalf of the Company:

12 Charles J. Faruki, Esq.
13 500 Courthouse Plaza, S.W.
14 10 North Ludlow Street
15 Dayton, Ohio 45402-1818

16

17 On Behalf of the Intervener:

18

19 Larry S. Sauer
20 Assistant Consumers' Counsel
21 10 West Broad Street, Suite 1800
22 Columbus, Ohio 43215-3485
23 sauer@occ.state.oh.us

24

25 On Behalf of the Intervener:

26

27 Christopher L. Miller, Esq.
28 ICE MILLER, LLP
29 250 West Street, Suite 700
30 Columbus, Ohio 43215-7509
31 christopher.miller@icemiller.com

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1 C O N T E N T S

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3 SPEAKERS: EXAMINATION

4 Clair Thompson 8

5 Sanford Holmes 12

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1 PROCEEDINGS

2 ATTORNEY EXAMINER: Let's go on the
3 record. Good evening. The Public Utilities
4 Commission of Ohio has assigned for public hearing at
5 this time and place. Case Number 12-426-EL-SSO, being
6 in the Matter of the Application of the Dayton Power &
7 Light Company for authority to Establish a Standard
8 Service Offer in the form of an Electric Security Plan
9 pursuant to Section 4928.143 of the Ohio Revised Code.

10 My name is Bryce McKenney, and I'm an
11 Attorney Examiner with the Commission's legal
12 department. Also with me here this evening are
13 representatives of the Commission staff. They're here
14 to answer any questions that you might have regarding
15 matters that are not related to this hearing this
16 evening. There are a number of parties participating
17 in the case. At this time I'd like to take
18 appearances with the parties beginning with the
19 Company, if I may.

20 MR. FARUKI: Thank you, Your Honor.
21 Charlie Faruki from Faruki, Ireland & Cox representing
22 the applicant, The Dayton Power & Light Company. With
23 me is the head of the Regulatory Department of the
24 Dayton Power & Light Company name Donna Seager Lawson.
25 And let me point out that we've got Judi Blair and

1 Colleen Matthews here tonight. If there are any
2 customers of the company that have come with a
3 question about billing or service that they would just
4 like answered, if they could wave or stand and wave.
5 If the customers would be able to see them, they'd be
6 glad to take care of them. Thank you.

7 ATTORNEY EXAMINER: Thank you. OCC.

8 MR. SAUER: Thank you, Your Honor. On
9 behalf of the Residential Consumers of the Dayton
10 Power & Light Company, it's the office of the Ohio
11 Consumers' Counsel, Bruce J. Westin Consumers'
12 Counsel. I'm Larry S. Sauer, Assistant Consumers'
13 Counsel, 10 West Broad Street, Suite 1800, Columbus,
14 Ohio 43215. With me tonight is Michael Schuler and
15 Ray Fuller, Public Affairs. So if anyone has any
16 questions, talk to Ray. He's in the back there.

17 ATTORNEY EXAMINER: Thank you.

18 MR. SAUER: Thank you.

19 ATTORNEY EXAMINER: City.

20 MR. MILLER: Your Honor, on behalf of
21 the City of Dayton, Chris Miller with the law firm of
22 Ice Miller, address is 250 West Street, Columbus, Ohio
23 43215.

24 ATTORNEY EXAMINER: Thank you. Are
25 there any other interveners present this evening? All

1 right. On March 30, 2012, the Dayton Power & Light
2 Company filed an application for a Standard Service
3 Offer in the form of a Market Rate Offer pursuant to
4 Section 4928.141 of the Ohio Revised Code.

5 On September 7, 2012, the Dayton Power
6 & Light Company withdrew its application and
7 subsequently filed an application for a Standard
8 Service Offer in the form of an Electric Security Plan
9 pursuant to Section 4928.143 of the Ohio Revised Code.

10 On December 12, 2012, the Dayton Power
11 & Light amended its application to establish an ESP.
12 Filed concurrently with the applications were
13 applications for approval of revised tariffs, approval
14 of certain accounting authority, waiver of certain
15 Commission rules, and an application to establish
16 tariff riders.

17 This local hearing is just one aspect
18 of the case process. There was a public hearing this
19 afternoon at 1:00 o'clock. This local public hearing
20 will be the last opportunity for the public to testify
21 in this case. If you provided testimony at this
22 afternoon's 1:00 o'clock hearing, you will not be
23 afforded an opportunity to testify again this evening.

24 The evidentiary hearing for this case
25 is scheduled to begin on March 11, 2013, at 10:00

1 o'clock a.m. at the offices of the Commission.

2 The evidentiary hearing is an
3 opportunity to allow the Company, Commission Staff,
4 OCC, and other interveners an opportunity to offer
5 expert witness testimony and to advocate their
6 positions in the case.

7 The purpose of tonight's hearings are
8 to hear from the public. We want to hear from you
9 about the Dayton Power & Light Company's proposal. We
10 will not be hearing from the Company this evening.

11 When you arrived, you were given the
12 opportunity to sign a sheet to offer your testimony.
13 If you haven't already signed the sheet and would like
14 to testify, you may add your name to the list or wait
15 until we've finished with everyone who has signed up.
16 If you signed up to testify and do not wish to
17 testify, please let me know that you wish to pass.

18 Before giving testimony, you will be
19 offered -- asked to take an oath or affirmation that
20 what you're going to say is the truth. You will then
21 need to state your name and address for the record.
22 Please remember to speak loud and clear for the court
23 reporter.

24 If you have written comments or a copy
25 of your statement, please provide it to the court

1 reporter when you're finished.

2 At this time, are there any people here
3 present to testify this evening? Seeing that there is
4 no one present at this time to testify, we will go off
5 the record. We will remain available for anyone who
6 wishes to testify until 6:30, at that time, we will
7 close the record. Go off the record. Thank you.

8 (Off the record)

9 MS. THOMPSON: Good evening.

10 ATTORNEY EXAMINER: Give me one second.

11 At this time let's go ahead and go on the record.

12 Please raise your right hand.

13 MS. THOMPSON: Yes.

14 Whereupon,

15 CLAIR THOMPSON

16 of lawful age, a witness herein, having been duly
17 sworn, as hereinafter certified, was examined and
18 testified as follows:

19 ATTORNEY EXAMINER: Thank you. Please
20 state your name and address for the record?

21 MS. THOMPSON: My name is Clair
22 Thompson and I live at 1745 Emerson Avenue, Dayton,
23 Ohio 45406.

24 ATTORNEY EXAMINER: Thank you, Ms.
25 Thompson, you may proceed.

1 MS. THOMPSON: I rushed to get down
2 here, and I was really hoping to hear something from
3 DP&L themselves. And as I sat here and I'm looking at
4 my daughter -- I am a single mom, and I am raising two
5 kids. I do have a full-time job, and I am currently
6 still in school. So as I look at this and it kind of
7 stuff like I really don't have a choice that this is
8 gonna happen no matter what, but if it means that I
9 speak today and that a change can be made, that's why
10 I decided to come forward.

11 With that being said, I'm not gonna
12 pretend that I understand all the dynamics of what's
13 going on, but I know that I've been getting quite a
14 few letters to make a choice as to whether or not I
15 want to stay with DP&L or go with other services, and
16 because I really don't understand a lot of the
17 information being sent, I haven't made a choice.

18 I am happy with the services that I do
19 currently receive, but I'm always trying to stretch my
20 budget with Vectren and DP&L. Those seem to be two
21 that gives me the most hardship in my household.

22 So, currently with that being said,
23 when Vectren went their way and did what they did, I
24 didn't feel like I had a voice, but today I do. And
25 with the DP&L saying that for whatever reason they're

1 gonna go up to kind of meet their demand, I'm not sure
2 what they have already taken a look at to avoid this
3 for their current patrons such as myself, but I think
4 they need to kind of -- they do need to go back and
5 reconsider.

6 I'm not sure and I hate to say this,
7 but I don't want to put anybody out of a job, but they
8 may have to do what the rest of us have done, down
9 size in employment. That might be an idea or those
10 persons who have chosen to go their way and choose
11 another electrical place to receive their services,
12 maybe they just need to simply just let those patrons
13 go and not be that bottom-line base, where they're
14 still kind of trying to service them in the end of the
15 day. So that was just a thought that I had when I was
16 sitting there. Like I said I don't understand all the
17 dynamics and what that means.

18 And then any time that I feel like if
19 something is gonna be raised, I definitely want to get
20 the value of the product. So I'm not hearing or
21 seeing anything in here that's gonna upgrade my
22 services to make me say, oh, okay, I'll be willing to
23 pay that. I didn't hear that and I don't see that in
24 here. Maybe I'm just not seeing it, just because I
25 see dollar signs out of my pocket I really just don't

1 have. So I'm not sure. Like I said, if me standing
2 before you today is gonna make a difference, but if
3 I'm #1000 and I do make that difference, then I hope
4 I'm making it today. I can't afford it.

5 ATTORNEY EXAMINER: Thank you.

6 MS. THOMPSON: Thank you.

7 ATTORNEY EXAMINER: And, Ms. Thompson,
8 I need to give the parties an opportunity to ask you
9 any follow-up questions, and if they have any
10 questions for you, they'll just politely ask them.

11 So as this time, does the Company have
12 any follow-up questions?

13 MR. FARUKI: No, Your Honor.

14 ATTORNEY EXAMINER: Do any of the
15 interveners have any follow-up questions?

16 MR. SAUER: No, Your Honor.

17 MR. MILLER: No, Your Honor.

18 ATTORNEY EXAMINER: Thank you, Ms.
19 Thompson.

20 MS. THOMPSON: You're welcome.

21 ATTORNEY EXAMINER: Is there anyone
22 else here this evening that wishes to testify? All
23 right. We'll go off the record. We'll wait just a
24 couple more minutes until 6:30 and then we will
25 adjourn.

1 (Off the record)

2 ATTORNEY EXAMINER: All right. Let's
3 go on the record. Sir, would you please raise your
4 right hand.

5 MR. HOLMES: I do.

6 Whereupon,

7 SANFORD HOLMES

8 of lawful age, a witness herein, having been duly
9 sworn, as hereinafter certified, was examined and
10 testified as follows:

11 ATTORNEY EXAMINER: Thank you. Please
12 state your name and address for the record?

13 MR. HOLMES: Oh, my name is Sanford
14 Holmes, I live at 4213 Meadowsweet, Dayton, Ohio, 4213
15 Meadowsweet Drive.

16 ATTORNEY EXAMINER: Thank you. You may
17 proceed.

18 MR. HOLMES: Well, I came here tonight
19 to speak for those like myself who are 50 plus who are
20 struggling with their various increasing prices. I've
21 been in my home for over 23 years and every year I
22 have had to put up with the various rate increases
23 that DP&L has placed in my bill. And I notice that
24 this recent rate increases, I don't think it's
25 justified. You have two types of rate increase, some

1 kind of tracker increase and a switcher increase that
2 I think is just another penalty that consumers are
3 asked to bear.

4 I'm a community advocate and I know too
5 many people who are struggling with their health care
6 costs, struggling with paying gas, struggling with
7 paying rent, and now they're gonna be struggling with
8 this additional cost that's being levied on the
9 consumer. Two more rates that has absolutely add no
10 value to the consumer. So I'm here to ask the
11 Commission, the PUCO to not approve these two rate
12 increases that they're adding to my bill, because I
13 feel that I'm overloaded as it is with all the other
14 rapid increases, and I'm on a fixed income as a
15 retiree. I think to simply come out with rates,
16 accounting tricks to rack in more money -- I think
17 it's about time that these companies look within and
18 look at making some sacrifices within and making cuts
19 to those overrated compensation that we each read
20 about day in and day out of executive salaries, but
21 the common man has just had enough of arbitrary rate
22 increase in which there's no, there's no benefit to
23 the consumer. So I ask that the, PUCO not approve
24 either one of these two rates and that they take a
25 look at the idea of about a market base rate. Sounds

1 interesting, but to stretch it out over a duration of
2 time so somebody can collect a lot of money from
3 consumers. If you have to go ahead with a market
4 rate, a market base rate, please do that and
5 immediately don't drag it out so that we, the
6 consumer, can benefit from any low cost, cost rates
7 that may be available on the market.

8 Obviously our country is going through
9 a transition with our energy efficiency and we're
10 trying to become more -- alter and base consumers, and
11 we're all looking forward to cheaper rates. That's
12 another reason the people aren't believing DP&L. They
13 want cheaper rates, they want lower rates, but as I
14 said before, the 23 years I've been here my rates have
15 gone up -- just gone up every year practically with
16 some accounting trick, but yet utility is not
17 something that I can go get somewhere else until
18 fairly recently, but it's something that I need to
19 have. I'll have to cut back somewhere else, perhaps
20 on food, perhaps on health care, perhaps on gasoline,
21 but at some point these people who are asking for
22 these unfair rates, they need to look within and make
23 sacrifices and cuts and not push those on the
24 consumer. That's all I have to say.

25 ATTORNEY EXAMINER: Thank you. At this

1 time, I'm gonna give the parties an opportunity to ask
2 you any follow-up questions that they may have. Does
3 the Company have any follow-up?

4 MR. FARUKI: No, Your Honor.

5 ATTORNEY EXAMINER: Thank you. Do any
6 of the Interveners have any follow-up questions?

7 MR. SAUER: No, Your Honor.

8 MR. MILLER: No, Your Honor.

9 ATTORNEY EXAMINER: All right. Thank
10 you, sir, for your testimony.

11 MR. HOLMES: Thank you.

12 ATTORNEY EXAMINER: You have a written
13 copy of your comments, we'd like to provide those to
14 the court reporter?

15 MR. HOLMES: No, I don't have it
16 written down. I will send you one. I'll send you
17 one.

18 ATTORNEY EXAMINER: No, that's all
19 right. Thank you. I was just -- didn't know if you
20 have one. Is there anyone else here this evening that
21 wishes to testify? Seeing that there is no one else
22 here to testify this evening, the public hearing for
23 Case Number 12-426-EL-SSO is adjourned. Thank you.
24 Go off the record.

25 (At 7:00 p.m., the hearing was adjourned)

C E R T I F I C A T E

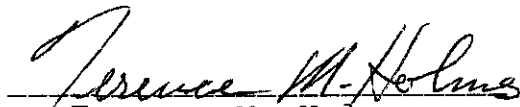
STATE OF OHIO :
: SS:
COUNTY OF MONTGOMERY:

I, Terence M. Holmes, a duly qualified
and commissioned notary public within and for the
State of Ohio, do hereby certify that at the time and
place stated herein, and in the presence of the
persons named, I recorded in stenotypy and tape
recorded the proceedings of the within-captioned
matter, and that the foregoing pages constitute a
true, correct and complete transcript of the said
proceedings.

I further certify that I am not
counsel, attorney, relative or employee of any of the
parties hereto, or their counsel, nor am I financially
re in any way interested in the within action.

IN WITNESS WHEREOF, I have hereunto set
my hand at Cincinnati, Ohio, the 6th day of February,
2013.

My Commission Expires:
July 28, 2017


Terence M. Holmes
Notary Public-State of Ohio

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LOCATION: Dayton 6 PM

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