

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

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| Ron Mosley, | : | |
| | : | |
| | : | |
| Complainant, | : | |
| | : | |
| vs. | : | Claim No. 11-1494-EL-CSS |
| | : | |
| The Dayton Power and Light: | : | |
| Company, | : | |
| | : | |
| Respondent. | : | |

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before Mr. L. Douglas Jennings, Attorney Examiner, at
the Public Utilities Commission of Ohio, 180 East
Broad Street, 11th Floor, Room 11-C, Columbus, Ohio,
called at 10:06 a.m. on Thursday, November 21, 2013.

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1 APPEARANCES:

2 Kegler, Brown, Hill & Ritter
3 By Mr. Andrew J. Sonderman
4 Capitol Square, Suite 1800
5 65 East State Street
6 Columbus, Ohio 43215-4294

7 On behalf of the Respondent.

8 ALSO PRESENT:

9 Mr. Ron Mosley
10 Ms. Kolleen Buman

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Thursday Morning Session,
November 21, 2013.

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ATTORNEY EXAMINER JENNINGS: Let's go on the record. The Public Utilities Commission of Ohio has scheduled for this date and time a hearing in the complaint of Ron Mosley versus The Dayton Power and Light Company. My name is Doug Jennings. I'm an Attorney Examiner, and I've been assigned to preside over the hearing at this time.

At this point in the proceeding, I'll request that the parties enter an appearance on the record. Let's begin with Mr. Mosley.

MR. MOSLEY: My name is Ron Mosley, M-O-S-L-E-Y, 900 WillowBrook Court, W-I-L-L-O-W, capital B-, R-O-O-K, Court, Riverside, Ohio 45424-8022.

ATTORNEY EXAMINER JENNINGS: Thank you. May I have an appearance on behalf of Dayton Power and Light.

MR. SONDERMAN: Your Honor, thank you. My name is Andrew Sonderman with the law firm of Kegler Brown Hill + Ritter, Capitol Square, Suite 1800, 65 East State Street, Columbus, Ohio 43215.

1 I submitted my additional appearance in
2 this proceeding on November 19; and I'm here to
3 represent Dayton Power and Light, the respondent.

4 ATTORNEY EXAMINER JENNINGS: Thank you.
5 I will briefly go over the history of this
6 proceeding. The first hearing was held on
7 September 22, 2011, a hearing in which Mr. Mosley
8 appeared and began to offer testimony that had not
9 been seen by Dayton Power and Light. At that
10 hearing, I adjourned the proceeding to get the
11 parties to engage in discovery.

12 The hearing was reconvened on
13 February 12, 2013. At that hearing Mr. Mosley did
14 not appear. Subsequently, the Commission issued an
15 opinion, an order, on July 10, 2013, in which it
16 found that the complainant failed to sustain his
17 burden of proof partly due to his failure to appear
18 at the hearing.

19 On July 29, 2013, Mr. Mosley filed a
20 letter with the Commission which was construed as an
21 application for rehearing in which it appeared that
22 he made the argument that he did not receive notice
23 of the hearing. Upon review of the Commission's
24 documenting information system, it appeared that a
25 service notice was not issued and it was likely that

1 Mr. Mosley, in fact, did not receive notice of the
2 entry scheduling the hearing. Therefore, the
3 Commission, on August 21, 2013, issued an entry on
4 rehearing, allowing Mr. Mosley to present evidence.

5 The entry on rehearing also indicated
6 that Mr. Mosley would be barred from introducing
7 documentary evidence that should have been provided
8 pursuant to DP&L's discovery request unless such
9 documentary evidence was provided to DP&L at least 30
10 days prior to the hearing. That order will apply to
11 this proceeding.

12 On September 26, 2013, I issued an entry
13 scheduling the hearing for this date; and also I
14 reiterated the Commission's order regarding evidence
15 being barred that had not been provided in discovery.

16 At this point I'll give the parties the
17 opportunity to make an opening statement. Let's
18 begin with Mr. Mosley.

19 MR. MOSLEY: Yes. Thank you, sir. I
20 plan on introducing the fact that DP&L overcharged me
21 and put on charges from a place I used to live, and I
22 had already paid them off. Also I got testimony from
23 the last time that we was here from a Ms. Brown that
24 I would like to introduce back into this because I
25 had some questions I had wanted to ask on that.

1 And I'd like to also introduce a
2 complaint I had against the Public Utilities back in
3 1997 that was issued that should have been taken care
4 of on this, and we wouldn't have to go through all
5 this. This was signed by the lawyer for Dayton Power
6 and Light back in '97.

7 ATTORNEY EXAMINER JENNINGS: Okay.
8 Mr. Sonderman.

9 MR. SONDERMAN: Thank you, your Honor.
10 It is all right if I sit at counsel table?

11 ATTORNEY EXAMINER JENNINGS: Yes.

12 MR. SONDERMAN: Thank you.

13 With respect to the discovery issue, I
14 just want to state for the record that at the
15 conclusion of the hearing in September of 2011,
16 September 22, it was the understanding that the
17 purpose of that continuation was to provide for the
18 completion of discovery. At that point we had
19 received no documents from Mr. Mosley, no responses
20 to our interrogatories to Mr. Mosley.

21 I can tell you that from the date of that
22 continuance granted at the September 22 hearing, we
23 have had no communications from Mr. Mosley.

24 And I'm sorry for mispronouncing your
25 name earlier, Mr. Mosley.

1 We have received no documents from
2 Mr. Mosley.

3 In addition, I would point out that our
4 discovery requests that have not been responded to,
5 included a request for all production of all writings
6 that you may use or rely on at any hearing or in any
7 other depositions in this matter. We have received
8 nothing in that regard.

9 We asked in an interrogatory, state the
10 total amount of your bills that you are disputing in
11 this case, including the amounts already paid by you
12 to DP&L and the amounts billed by DP&L but not paid
13 by you. We have not received a response to that
14 question.

15 My point is, your Honor, in addition to
16 documents not having been provided, we have not
17 received any information as we're entitled to have
18 received with respect to the theory of his complaint.
19 You will be hearing me respectfully object to the
20 extent that we are hearing matters for the first time
21 today in the hearing room that we should have been
22 provided with and had the opportunity to review and
23 understand during the continuance that was granted
24 for that explicit purpose.

25 We believe that the opinion and order in

1 this case was appropriately entered and that as a
2 result of this rehearing application, which was based
3 exclusively on Mr. Mosley's contention that he didn't
4 receive the hearing notice for the second hearing in
5 February, that he has raised no issues in that
6 application for rehearing, which is the scope of this
7 proceeding today, that cast any doubt with respect to
8 the decision that was already made in the opinion
9 order in the case that was entered.

10 As I mentioned to you, Lisa Brown, who
11 was our witness and presented her prepared testimony
12 in the earlier phase of the case, is no longer with
13 the company. She's gone back to school to get her
14 R.N. degree. So our witness today, should we get to
15 that and decide to put her on after we've heard what
16 Mr. Mosley has to say as a part of his case to
17 support his burden of proof, is Ms. Kolleen Buman,
18 B-U-M-A-N.

19 Did I pronounce that right?

20 MS. BUMAN: Buman.

21 MR. SONDERMAN: Buman. I'm sorry. Who
22 now holds that position and is prepared to adopt the
23 testimony at the second day of the case as well as
24 the direct.

25 I would request, however, your Honor,

1 that because Mr. Mosley had the opportunity and took
2 that opportunity to cross-examine Ms. Brown on the
3 testimony that was adduced at the September hearing,
4 that he doesn't get another bite at the apple with
5 respect to that testimony, that he's already had his
6 opportunity to cross-examine that witness. So we
7 believe it would be inappropriate for him to
8 cross-examine that same testimony at this proceeding.

9 Thank you, your Honor.

10 ATTORNEY EXAMINER JENNINGS: Thank you.
11 Mr. Mosley.

12 MR. MOSLEY: Yes.

13 ATTORNEY EXAMINER JENNINGS: You can step
14 to the witness stand, and I'll swear you in.

15 (Witness sworn.)

16 ATTORNEY EXAMINER JENNINGS: Thank you.
17 Please be seated.

18 MR. SONDERMAN: Your Honor, may I go off
19 the record for just a moment?

20 ATTORNEY EXAMINER JENNINGS: Yes.

21 (Discussion was held off the record.)

22 ATTORNEY EXAMINER JENNINGS: Back on the
23 record.

24 Mr. Mosley, you may begin with your
25 testimony.

1 MR. MOSLEY: Yes, sir. Just giving the
2 phone time to go off.

3 ATTORNEY EXAMINER JENNINGS: Okay.

4 MR. MOSLEY: Your Honor, I've been
5 dealing with Dayton Power and Light for quite a bit.
6 This was done November the 19th, 1997, the issues
7 that deal with bills, meter issues, deposit issues
8 involving the respondent's account. The lawyer there
9 signed this paper and took care of all the issues
10 that was supposed to have been taken care of just
11 like they wasn't supposed to charge me late fees when
12 there was no late fees.

13 ATTORNEY EXAMINER JENNINGS: Now,
14 Mr. Mosley, before you continue, what are you
15 referring to?

16 MR. MOSLEY: This here. I'll give you a
17 copy of it, and you can read it; and you'll see what
18 it says. And you'll also see the lawyer's name.

19 ATTORNEY EXAMINER JENNINGS: This is off
20 the record.

21 (Discussion was held off the record.)

22 ATTORNEY EXAMINER JENNINGS: Let's go
23 back on the record.

24 Mr. Mosley is referring to a joint motion
25 to dismiss with prejudice filed in Case

1 No. 97-1515-EL-CSS that was filed on or about
2 June 25, 1998.

3 THE WITNESS: Thank you.

4 ATTORNEY EXAMINER JENNINGS: I'm sorry
5 for the interruption. Please continue.

6 MR. MOSLEY: Okay. I'm disputing the
7 whole thing about the \$5,497.51 that DP&L says I owe.

8 MR. SONDERMAN: Your Honor, I have to
9 interpose an objection.

10 ATTORNEY EXAMINER JENNINGS: Excuse me.

11 MR. SONDERMAN: I do have to interpose an
12 objection here. Mr. Mosley has submitted a joint
13 motion with respect to, I presume, issues that were
14 before the Commission at that time. We don't have
15 the terms of that settlement here, nor do I think the
16 terms of that settlement have any bearing on the
17 issues in this case.

18 So because it's irrelevant, because it
19 has not been provided to us previously in response to
20 our discovery request on what the basis that he was
21 going to rely on would be at this hearing, I think
22 that this evidence cannot be submitted in this case.
23 I think it is prohibited by the Commission's order
24 earlier entered.

25 MR. MOSLEY: I would have to object to

1 that because this is already on record, so it's
2 nothing new. That's been on record here since 1997.

3 ATTORNEY EXAMINER JENNINGS: I'll allow
4 Mr. Mosley to offer further testimony and hopefully
5 establish some relevance for this document.

6 MR. MOSLEY: Your Honor, everything that
7 I brought that I'm bringing up today was brought up
8 in '97. I got charged; and I got a list of all the
9 charges on this paper here, which I would like to
10 introduce as exhibits.

11 This is all -- some of this is from when
12 we was here the first time, so it was nothing really
13 new. Except for the last one I just put in was
14 December the 1st, '13, for the bill that's coming up.
15 So that's the only thing that's new on here.

16 ATTORNEY EXAMINER JENNINGS: What year is
17 that?

18 THE WITNESS: This year, 12/1/13, which
19 I'll be paying on the 1st. That's the only thing new
20 on here, and that's where they overcharged me \$77.62
21 plus \$5 plus \$39.13. And the total comes to
22 \$1,627 -- my mistake. \$1,733.39.

23 Now, I got to say something about this
24 because this that I introduced to you, I used to live
25 at 4322 Riverside Drive.

1 ATTORNEY EXAMINER JENNINGS: By "this,"
2 you're referring to the joint motion to dismiss?

3 MR. MOSLEY: No. I'm referring to this
4 one that I just gave you. (Indicating.)

5 ATTORNEY EXAMINER JENNINGS: Is that
6 captioned joint motion to dismiss?

7 MR. MOSLEY: Huh-uh, not that one. This
8 is the one I just showed you. That's it.
9 (Indicating.)

10 ATTORNEY EXAMINER JENNINGS: Are you
11 referring to the joint motion to dismiss?

12 MR. MOSLEY: Yeah, with prejudice because
13 you know what the prejudice means?

14 ATTORNEY EXAMINER JENNINGS: Yes.

15 MR. MOSLEY: Okay. Now, during the time
16 I used to live at 4322 Riverside Drive, I didn't owe
17 anything when I left there. They took and added
18 \$106.13 to where I'm living at 900 Willow Brook
19 Court. I had to go back through some papers to
20 actually see where they did it. It shows up on two
21 papers from DP&L.

22 ATTORNEY EXAMINER JENNINGS: When was
23 that?

24 MR. MOSLEY: Excuse me. 11/10/03.

25 ATTORNEY EXAMINER JENNINGS: That's when

1 you moved to the new address?

2 MR. MOSLEY: I was at Willow Brook Court
3 before that, but they transferred; and it's stated
4 right on here. They transferred \$106.13 from
5 4322 Riverside Drive, which I didn't owe anything.
6 It was zero.

7 ATTORNEY EXAMINER JENNINGS: Okay.

8 MR. SONDERMAN: Your Honor, with all
9 respect, Mr. Mosley is referring to documents. He
10 was instructed by the Commission in its order on
11 rehearing that we were to be provided with any
12 documents that he was going to refer to or rely on in
13 his testimony.

14 Now, this is the first time that we've
15 had any indication of this support for his complaint,
16 which does appear to me to be from a prior period
17 that was resolved by a joint motion to dismiss with
18 prejudice earlier. So it's got some relevance
19 issues.

20 It's also documents that Mr. Mosley is
21 not permitted to bring before this Commission because
22 of his failure to comply with the order of the
23 Commission to provide discovery. This can't go on.

24 MR. MOSLEY: I have to object to that
25 because, see, this wasn't in this first issue. This

1 is the issue now. That was in '97. This is in 2000.
2 So that has nothing to do with what I'm bringing to
3 court now.

4 MR. SONDERMAN: Your Honor, the point is
5 that he may have wanted to support his complaint in
6 this proceeding with this documentation; but he was
7 ordered to provide it to us 30 days prior to this
8 hearing. He has not done so, and it cannot be heard
9 consistent with the Commission's order.

10 MR. MOSLEY: Anything that DP&L is
11 crooked about can be heard.

12 ATTORNEY EXAMINER JENNINGS: Mr. Mosley,
13 as I told you both off the record --

14 MR. MOSLEY: I know.

15 ATTORNEY EXAMINER JENNINGS: -- and on
16 the record, I will be enforcing the Commission's
17 order. You are introducing documents that have not
18 been provided to Dayton Power and Light.

19 MR. MOSLEY: Dayton Power and Light
20 should have had the documents. Now, I showed you who
21 the lawyer was on this document, Timothy Rice, which
22 is probably over him. And he probably works for him.

23 ATTORNEY EXAMINER JENNINGS: Mr. Mosley,
24 I'm going to grant the objection.

25 MR. MOSLEY: Even though he worked for

1 the same people?

2 ATTORNEY EXAMINER JENNINGS: As Counsel
3 indicated, I think there are issues of relevance; and
4 the Commission's order expressly indicated that if a
5 document has not been provided to DP&L pursuant to
6 discovery, it cannot be introduced at this hearing.

7 MR. MOSLEY: Your Honor, I got one
8 question. Is this a public record, this document?

9 ATTORNEY EXAMINER JENNINGS: It's a
10 public record.

11 MR. MOSLEY: This a public record. So if
12 this is a public record, then he has no objection to
13 this because he could have got everything he needed
14 from the public records.

15 ATTORNEY EXAMINER JENNINGS: Mr. Mosley,
16 I have given you an opportunity to establish some --

17 MR. MOSLEY: Am I right or wrong?

18 ATTORNEY EXAMINER JENNINGS: I'm giving
19 you an opportunity to establish relevance for that
20 document to this case.

21 MR. MOSLEY: That's what I'm doing.

22 ATTORNEY EXAMINER JENNINGS: I have not
23 heard it yet.

24 MR. MOSLEY: And I haven't finished.

25 ATTORNEY EXAMINER JENNINGS: I will allow

1 you to continue but --

2 MR. MOSLEY: Thank you.

3 ATTORNEY EXAMINER JENNINGS: -- if you
4 miss the mark --

5 MR. MOSLEY: Your Honor, basically I'm
6 trying to get this over with as soon as I can because
7 I do have things I got to do; and I'm kind of getting
8 tired of coming to court with DP&L for this stuff.
9 But I got papers here that was all in all these bills
10 that they said they can't find nothing about.

11 Plus they brought in a Ms. Brown; and I
12 wanted to talk to her about some of the stuff that
13 she had on there, which they said she's not here no
14 longer. So now I can't question her about this
15 because she's not here.

16 And I got -- I got something against DP&L
17 that brought on these two -- nine -- ten pages that
18 they brought in, that Ms. Brown brought in. So I
19 can't question her about it because she's no longer
20 here.

21 ATTORNEY EXAMINER JENNINGS: Mr. Mosley,
22 I believe you're referring to exhibits that have been
23 marked --

24 MR. MOSLEY: Yes.

25 ATTORNEY EXAMINER JENNINGS: -- that are

1 from the prior proceeding?

2 MR. MOSLEY: Yes.

3 ATTORNEY EXAMINER JENNINGS: Which
4 exhibit was it? A, B, or C?

5 MR. MOSLEY: Your Honor, I'll have to
6 give this to you because she didn't put no number on
7 it.

8 ATTORNEY EXAMINER JENNINGS: I'll
9 indicate for the record that Mr. Mosley is referring
10 to Exhibit A from the February 12 hearing.

11 MR. SONDERMAN: Your Honor, I believe it
12 was testified to at the September 22 hearing; but it
13 wasn't admitted until the February hearing. I think
14 that's correct. Let me double check that.

15 MR. MOSLEY: No. You're wrong. It was
16 September. September 20. It was introduced at
17 9:14:52 a.m.

18 MR. SONDERMAN: It was -- Exhibit A was
19 identified at the hearing on September 22. It was
20 admitted at the conclusion of Ms. Brown's testimony
21 on February 12, your Honor, but we agree that we're
22 talking about the same testimony, the same exhibit.

23 ATTORNEY EXAMINER JENNINGS: Yes.
24 Counsel, I believe you're correct; it was introduced
25 and supplemented in the February hearing.

1 MR. SONDERMAN: That is correct.

2 ATTORNEY EXAMINER JENNINGS: Okay.

3 MR. SONDERMAN: Mr. Mosley, this is just
4 what was at the February 22 hearing.

5 MR. MOSLEY: Well, I've got September 20
6 on here.

7 ATTORNEY EXAMINER JENNINGS: For the
8 record the complainant is referring to what has been
9 marked as Respondent's Exhibit A.

10 MR. MOSLEY: Right.

11 ATTORNEY EXAMINER JENNINGS: Please
12 continue.

13 MR. MOSLEY: Okay. Now, your Honor,
14 Mrs. Brown at the time said that I owed \$2,606.85.
15 That's from her own answer to 40 on the questions by
16 the lawyer, her lawyer. And that was -- he went up
17 to 43, and I never got a chance to talk to her
18 because we had to leave.

19 ATTORNEY EXAMINER JENNINGS: Excuse me.
20 Are you referring to page 43 of the transcript?

21 MR. MOSLEY: Yes. Well, according to
22 Answer 43 on the transcript. I can show you the
23 whole transcript, if you'd like.

24 ATTORNEY EXAMINER JENNINGS: Can you
25 refer me to the page and line number?

1 MR. MOSLEY: Well, they don't put no
2 pages on here. They just got questions from 1 to 43,
3 the testimony of Lisa Brown.

4 ATTORNEY EXAMINER JENNINGS: Oh, okay.

5 MR. MOSLEY: And it just goes all the way
6 up to 43.

7 ATTORNEY EXAMINER JENNINGS: Okay. Let
8 the record reflect that Mr. Mosley is referring to
9 what has been marked as Respondent's Exhibit C, the
10 testimony of direct testimony of Lisa Brown.

11 And, Mr. Mosley, you're referring to line
12 41; is that correct?

13 MR. MOSLEY: Yes.

14 ATTORNEY EXAMINER JENNINGS: And the
15 amount you've indicated?

16 MR. MOSLEY: On this was \$2,606.85, which
17 would have been No. 41 on the questions. That was
18 her answer to 40.

19 ATTORNEY EXAMINER JENNINGS: Okay.

20 MR. MOSLEY: And then on 42, they asked
21 her, Does this conclude your testimony? And on 43
22 she said yes. And I never got a chance to question
23 her.

24 MR. SONDERMAN: Your Honor, Ms. Buman is
25 here and is adopting Ms. Brown's testimony. So if he

1 has questions with respect to that testimony, the
2 direct testimony, which was admitted at the February
3 hearing, we're happy to make her available for her.

4 ATTORNEY EXAMINER JENNINGS: Okay.

5 MR. MOSLEY: And I have to object to that
6 because the things that I needed to ask, she wasn't
7 at the company at the time; so she couldn't answer
8 the questions I was going to ask.

9 ATTORNEY EXAMINER JENNINGS: Mr. Mosley,
10 Counsel has indicated he will make his witness
11 available to answer any questions that you may
12 directed at Ms. Brown and that she would be able to
13 answer those questions.

14 MR. MOSLEY: Well, she couldn't answer
15 the certain questions that I was going to ask because
16 she wasn't with Dayton Power and Light, but Ms. Brown
17 was. So the question I was going to ask her, she
18 can't answer.

19 ATTORNEY EXAMINER JENNINGS: Well, I will
20 give you the opportunity to ask the question.
21 Counsel is willing to make the witness available to
22 you.

23 MR. MOSLEY: That would be considered
24 hearsay testimony.

25 ATTORNEY EXAMINER JENNINGS: Please

1 continue with your testimony.

2 MR. MOSLEY: Thank you. Now, as I was
3 saying, I got that. And here's another bill that
4 states where they took where I used to live at
5 4322 Riverside Drive.

6 MR. SONDERMAN: Your Honor, may I see the
7 bill he's referring to?

8 MR. MOSLEY: Yes.

9 ATTORNEY EXAMINER JENNINGS: Yes.

10 MR. SONDERMAN: Thank you. I'm just
11 looking for -- your Honor, this is from that period
12 of 2003.

13 MR. MOSLEY: Do you see the address?

14 ATTORNEY EXAMINER JENNINGS: Please
15 continue.

16 MR. SONDERMAN: Your Honor, I'm going to
17 renew my objection. I'm not going to object every
18 time we hear this; but anytime he shows a bill in
19 this proceeding that we have not seen, that he has
20 not provided to us, it is not being submitted
21 consistent with the Commission's order; and he really
22 cannot be permitted to testify about it.

23 ATTORNEY EXAMINER JENNINGS: Mr. Mosley,
24 has that bill been submitted to --

25 MR. MOSLEY: Yes.

1 ATTORNEY EXAMINER JENNINGS: -- Dayton
2 Power and Light?

3 MR. MOSLEY: This is -- this is the
4 public record. When we was here, all of this was
5 submitted here. I got a whole list of 30-some
6 exhibitions that they got. So it's not that they
7 didn't get it. They did get it. They just -- well,
8 I'll just say they just didn't want to go get them.

9 MR. SONDERMAN: May I ask him a question,
10 your Honor?

11 ATTORNEY EXAMINER JENNINGS: Yes.

12 MR. SONDERMAN: Mr. Mosley, those bills
13 that you're referring to, that stack, were those
14 provided in the proceeding that you're talking about
15 that was resolved in that joint motion for dismissal
16 with prejudice?

17 MR. MOSLEY: No, it wasn't. It was on
18 our proceeding, the ones that me and you are doing
19 now and the ones before you came here, the other
20 lawyer.

21 MR. SONDERMAN: So when did you provide
22 any bills after the filing of this case to Dayton
23 Power and Light?

24 MR. MOSLEY: The last time I was here.
25 It's got -- it's got the exhibitions that was labeled

1 each number on it all the way up to 30 that you said
 2 you only got 11. The only thing I never got a chance
 3 to get a chance to do during the proceeding was these
 4 pictures because we had to adjourn. I had pictures
 5 that I wanted to put in for exhibits, but we didn't
 6 get a chance to because we had to leave at the time.
 7 They had to stop.

8 ATTORNEY EXAMINER JENNINGS: Have those
 9 been provided to Dayton Power and Light?

10 MR. MOSLEY: Never got a chance to.

11 ATTORNEY EXAMINER JENNINGS: Okay.

12 MR. MOSLEY: Because, like I said, these
 13 was going to be introduced that first time.

14 ATTORNEY EXAMINER JENNINGS: Okay.

15 MR. MOSLEY: And this has got to do with
 16 Arick Mittler on 3/23/11.

17 ATTORNEY EXAMINER JENNINGS: Mr. Mosley,
 18 because those pictures and documents were not
 19 submitted to Dayton Power and Light pursuant to their
 20 request for discovery, I'm going to have to exclude
 21 them.

22 MR. MOSLEY: These -- this is nothing
 23 new. I introduced them when I was here. I just
 24 never got a chance to put them in for exhibit. They
 25 was already introduced. This person was introduced.

1 I just never got a chance to because the proceeding
2 was ended. So there's nothing.

3 ATTORNEY EXAMINER JENNINGS: The
4 proceeding was ended to give you an opportunity to
5 provide documents to Dayton Power and Light.

6 MR. MOSLEY: Well, the proceedings -- I
7 never got a chance to question Ms. Brown or anything
8 because the proceedings had to end at that time
9 because we was here, I guess, so long and the
10 proceedings had to end; but all of this was here the
11 first time that I came. It's nothing new.

12 ATTORNEY EXAMINER JENNINGS: I understand
13 that.

14 MR. MOSLEY: And only thing about these
15 pictures is this person that works for DP&L actually
16 came and destroyed a meter at my house.

17 ATTORNEY EXAMINER JENNINGS: Mr. Mosley,
18 I believe you were discussing your bill and
19 contesting the amount.

20 MR. MOSLEY: Yeah. And I'm also
21 discussing the fact that this person took a working
22 meter; and I stood there and watched him destroy it,
23 break it, and then put a new one on. I stood right
24 there and took the pictures when he done it.

25 MR. SONDERMAN: Your Honor, to be clear,

1 there is nothing in that box that has been provided
2 to Dayton Power and Light Company. No pictures. No
3 bills. The only thing we've received -- and it
4 wasn't because they were provided to us in discovery;
5 it was because they were identified as exhibits --
6 were his Exhibits 1 through 11 that were identified
7 at the September 22 hearing. And those were attached
8 to the transcript.

9 ATTORNEY EXAMINER JENNINGS: Okay.

10 MR. SONDERMAN: But that's all we have
11 received, and I simply can't say it more plainly than
12 that. The rest of this is brand new, and we've not
13 seen it.

14 MR. MOSLEY: Your Honor, the lady, that's
15 the stenographer, she marked these as exhibits. Each
16 one of these exhibits that I got, she marked them
17 herself. It was over 30-some-odd DP&L bills that was
18 marked.

19 ATTORNEY EXAMINER JENNINGS: Let's go off
20 the record for a moment.

21 (Discussion was held off the record.)

22 ATTORNEY EXAMINER JENNINGS: Let's take a
23 five-minute break.

24 (Recess taken.)

25 ATTORNEY EXAMINER JENNINGS: Let's go

1 back on the record.

2 (Testimony read.)

3 ATTORNEY EXAMINER JENNINGS: Okay. Thank
4 you.

5 MR. SONDERMAN: Your Honor, if I may, I
6 was looking at the transcript of the September 22
7 hearing. And commencing at page 16, that's where
8 these Exhibits 1 through 11 were identified; and then
9 he asked questions from them continuing on through
10 several pages. I believe that continued to page 23.

11 ATTORNEY EXAMINER JENNINGS: Mr. Mosley,
12 do you have --

13 MR. MOSLEY: Yes.

14 ATTORNEY EXAMINER JENNINGS: -- copies of
15 Exhibits 1 through 11?

16 MR. MOSLEY: Yeah, I do; and I got them
17 marked too. They're all marked. Right now I'm up to
18 34 -- 35.

19 ATTORNEY EXAMINER JENNINGS: Mr.
20 Sonderman, insofar as the scope of your objection,
21 would it be correct to say that it would extend to
22 any document outside of what has been provided?

23 MR. SONDERMAN: That's correct, your
24 Honor.

25 ATTORNEY EXAMINER JENNINGS: 1 through

1 11?

2 MR. SONDERMAN: Obviously we have
3 relevance issues with this, but those will be brought
4 up separately.

5 ATTORNEY EXAMINER JENNINGS: Okay.
6 Mr. Mosley --

7 MR. MOSLEY: Your Honor.

8 ATTORNEY EXAMINER JENNINGS: -- with
9 respect to Mr. Sonderman's objection --

10 MR. MOSLEY: I have.

11 ATTORNEY EXAMINER JENNINGS: Wait. At
12 the September 22 hearing, there were electric bills
13 introduced by you?

14 MR. MOSLEY: Yes.

15 ATTORNEY EXAMINER JENNINGS: And Dayton
16 Power and Light has --

17 MR. MOSLEY: 11 is what he said.

18 ATTORNEY EXAMINER JENNINGS: -- seen
19 those bills?

20 MR. MOSLEY: All of these was --

21 ATTORNEY EXAMINER JENNINGS: But to the
22 extent that you introduce documentary evidence
23 outside of those bills, I am going to have to enforce
24 the Commission's order and bar them from being
25 introduced here.

1 MR. MOSLEY: Your Honor, this here is
2 Exhibit 35; and he's saying there was no more than
3 11.

4 ATTORNEY EXAMINER JENNINGS: Was
5 Exhibit 35 --

6 MR. MOSLEY: This is Exhibit 35 right
7 here.

8 ATTORNEY EXAMINER JENNINGS: Was it
9 introduced --

10 MR. MOSLEY: Yes.

11 ATTORNEY EXAMINER JENNINGS: -- at the
12 September 22 hearing?

13 MR. MOSLEY: Yes, it was. All of these
14 were. I'm just giving you the last one of 35.

15 MR. SONDERMAN: Your Honor, if I may, at
16 page 24 of the September 22 exhibit -- I beg your
17 pardon. At page 23 you'll see that complainant's
18 Exhibit 11 was identified on the record there. It
19 was the bill of April 20, 2005.

20 At that point Mr. Strines, on behalf of
21 Dayton Power and Light, suggested, and ultimately it
22 was accepted by the Attorney Examiner, that we put
23 Lisa Brown on the stand to discuss the fact that the
24 arrearages that ultimately had led to the \$2,600
25 arrearage had all accumulated after these dates; and

1 she testified to those dates.

2 So my point is that other than the 11
3 exhibits that Mr. Mosley talked about up through
4 page 23, none of the others were ever even spoken of
5 on the record in the case and were not provided to
6 us.

7 ATTORNEY EXAMINER JENNINGS: Mr. Mosley,
8 all documentary evidence that falls outside --

9 MR. MOSLEY: Everything -- everything --

10 ATTORNEY EXAMINER JENNINGS: Any
11 documentary evidence that falls outside of the scope
12 of what has been already submitted I'm going to have
13 to prohibit.

14 MR. MOSLEY: Now, how many do you have on
15 there? Because I've got 35.

16 ATTORNEY EXAMINER JENNINGS: I have
17 Electric Bills 1 through 11.

18 MR. MOSLEY: Right. So if I got proof
19 that shows 35, who's wrong?

20 ATTORNEY EXAMINER JENNINGS: Mr. Mosley,
21 anything that goes beyond the 1 through 11 --

22 MR. MOSLEY: Right.

23 ATTORNEY EXAMINER JENNINGS: -- I am
24 going to exclude.

25 MR. MOSLEY: But, see, the thing is if

1 you exclude it, that wouldn't be right because it was
2 already here on this exhibit you just talked about.

3 ATTORNEY EXAMINER JENNINGS: I'm going to
4 follow the Commission's order.

5 MR. MOSLEY: This here is brought on here
6 at the Commission. This was done here. 35
7 complaints. This was done here. It's not nothing I
8 put together like you're suggesting. This was done
9 here, and it should be on the record.

10 ATTORNEY EXAMINER JENNINGS: Did you
11 provide a copy of that to Dayton Power and Light?

12 MR. MOSLEY: This was put here on record,
13 so he got a copy of it. If they didn't get a copy,
14 that's not my fault. That's theirs.

15 ATTORNEY EXAMINER JENNINGS: So you did
16 not provide a copy of that to Dayton Power and Light?

17 MR. MOSLEY: It was provided here just
18 like everything else was provided here. It's on the
19 record.

20 ATTORNEY EXAMINER JENNINGS: I'm going to
21 sustain the objection, and then that documentary
22 evidence will be barred from this proceeding.

23 MR. MOSLEY: Well, the thing about it,
24 you didn't bar it the first time. So why would you
25 bar it now?

1 ATTORNEY EXAMINER JENNINGS: I've issued
2 a ruling.

3 MR. MOSLEY: But the thing is this --
4 this record -- I'll tell you what. Is this on the
5 record?

6 ATTORNEY EXAMINER JENNINGS: Yes, it is.

7 MR. MOSLEY: Okay. I'll ask for these
8 proceedings to be put on hold until I get another
9 lawyer to come here.

10 ATTORNEY EXAMINER JENNINGS: I'm not
11 going to adjourn the proceedings. The respondent is
12 here and ready.

13 MR. MOSLEY: Yeah, but --

14 ATTORNEY EXAMINER JENNINGS: And there
15 has been more than a generous opportunity to provide
16 discovery.

17 MR. MOSLEY: There's also other things
18 that's going on at this proceeding that I ain't too
19 comfortable with.

20 ATTORNEY EXAMINER JENNINGS: If you have
21 no further testimony --

22 MR. MOSLEY: I got plenty of testimony.
23 So in other words, I'd like to get in touch with the
24 government about this; and I also would like to have
25 the government bring a lawyer in here with me for

1 these hearings. Then I'll let him send DP&L
2 everything that they think they need; but up to 31,
3 they should already have.

4 Now, all of this is not new because it's
5 on public record. All the way up to 35 that I got
6 here, it's on public record. Most of this stuff I
7 got was from public records. If you go on public
8 records, everything that he's saying he don't have is
9 there. Now if I can do it, how come he can't?

10 ATTORNEY EXAMINER JENNINGS: Do you have
11 anything further?

12 MR. MOSLEY: That they owe me?

13 ATTORNEY EXAMINER JENNINGS: Any further
14 testimony?

15 MR. MOSLEY: That they overcharged me?

16 ATTORNEY EXAMINER JENNINGS: Do you have
17 any further testimony?

18 MR. MOSLEY: Yeah, but you're saying I
19 can't use it. I got plenty of testimony against
20 them. I even got their own workers.

21 ATTORNEY EXAMINER JENNINGS: Well,
22 because you did not respond to discovery, you're
23 restricted --

24 MR. MOSLEY: I never got.

25 ATTORNEY EXAMINER JENNINGS: -- you're

1 restricted in terms of the documents.

2 MR. MOSLEY: I never got any of that
3 stuff of what they're talking about, so I don't even
4 know what he's talking about because everything else
5 is on public records here.

6 ATTORNEY EXAMINER JENNINGS: Okay.

7 MR. MOSLEY: Now, I'm not just sprouting
8 something. You know as well as I do that the
9 proceedings on this was public record. So if I can
10 get it from public records, he can get it from public
11 records since it was already introduced.

12 So I'm not wrong; but if I'm being
13 cut-throated by a DP&L lawyer that's saying he don't
14 have it, that's not my fault. That's his. So I
15 would like to get the government on it then.

16 ATTORNEY EXAMINER JENNINGS: So you have
17 no further testimony?

18 MR. MOSLEY: I said I did. I got further
19 testimony. Now, what the Commission is going to let
20 me say, that's on you. I would like to talk about
21 the destruction of property. Now, it's a federal law
22 against that.

23 MR. SONDERMAN: Objection, your Honor,
24 not relevant to a complaint on the service billings.

25

1 MR. MOSLEY: Yes, it is. Yes, it is,
2 because, see, when you destroy property and
3 everything, you also broke a federal law.

4 ATTORNEY EXAMINER JENNINGS: Mr. Mosley,
5 I do not believe you alleged that in your complaint.

6 MR. MOSLEY: Okay. Remember when we had
7 the hearing back in September? All this was being
8 introduced then. It just didn't get the numbers, but
9 this was being talked about then. It just never got
10 the exhibit numbers put on it, but it was being
11 talked about in that hearing then.

12 ATTORNEY EXAMINER JENNINGS: Mr. Mosley,
13 if you have no further testimony, you will be given
14 an opportunity, as indicated by Counsel, to challenge
15 the billings of Dayton Power and Light through
16 cross-examination.

17 MR. MOSLEY: Your Honor, I'm wanting to
18 introduce these here. This is important. Not only
19 did they break the law, it's a federal offense for
20 what was done. I know the date and the time and the
21 person who did it that works for DP&L. I got his
22 name. I got the date, and I got the time. I got the
23 pictures that shows the evidence where they broke one
24 meter and put on another meter.

25 ATTORNEY EXAMINER JENNINGS: Has that

1 information been provided to Dayton Power and Light?

2 MR. MOSLEY: That information was told to
3 Dayton Power and Light, but it never got a chance for
4 them to get a copy of these pictures.

5 ATTORNEY EXAMINER JENNINGS: Then I will
6 have to exclude that.

7 MR. MOSLEY: Your Honor, I only got one
8 thing I wanted to say. I'm going to keep these
9 proceedings going against DP&L. And since it's going
10 to be on record and everything, I'd like to introduce
11 this to the government because, see, the PUCO is also
12 supposed to take care of companies like this. And
13 for them to sit around and think they're above the
14 law, I don't appreciate it.

15 I sit here. I give my honest opinion and
16 my honest proof of what I think of DP&L. What's the
17 sense of putting your hands up if we can't get the
18 truth out? What's the sense of these proceedings if
19 you can't introduce the truth?

20 This ain't from me. This is from them.
21 I ain't introducing nothing new they ain't got. This
22 is theirs. Nothing here has my name on it. It has
23 DP&L on it. Nothing's got my name on it except when
24 they send the bills to me, but it's DP&L. So I'm not
25 introducing nothing that they don't already have a

1 record of because if they ain't got a record of this,
2 how in the world are they going to come by and say
3 what I owe them?

4 I'm going to tell you like it is. Since
5 we got all this truth going, I think DP&L is crooks.
6 And I think not only are they doing it to me they're
7 doing it to a lot of other people. I may be one
8 person, but I'm going to fight DP&L until the day I
9 die because I think they crooks because you're going
10 to -- you can add stuff on to my account just because
11 you're DP&L? You can break stuff because you're
12 DP&L?

13 It's more than just me that's got to pay
14 these bills. Maybe I'm the only one that looks at
15 them, but I've been trying to get people to start
16 looking at their stuff. And I'm going to keep doing
17 it until they all see what's going on with DP&L.

18 It looks like I may have to go to the
19 newspapers and stuff too besides the government
20 because I'm doing something that's legit. This is my
21 life they fooling with.

22 ATTORNEY EXAMINER JENNINGS: Mr. Mosley,
23 this is your opportunity to present relevant
24 testimony in support of your complaint.

25 MR. MOSLEY: That's what I'm doing.

1 ATTORNEY EXAMINER JENNINGS: So if you
2 could restrict your comments and testimony to that,
3 that would expedite this proceeding.

4 MR. MOSLEY: Your Honor, that's what I
5 was trying to do then. And I want this on record
6 that Arick Mittler -- his name is A-R-I-C-K. That's
7 the first name. Mittler, M-I-T-T-L-E-R.

8 MR. SONDERMAN: Your Honor, objection.
9 You've already ruled with respect to this issue and
10 those papers, none of which were provided to us.

11 ATTORNEY EXAMINER JENNINGS: Objection
12 sustained.

13 Mr. Mosley, is there anything further in
14 support of your complaint?

15 MR. MOSLEY: Well, your Honor, yes, there
16 is. 3/2/04, \$4.34. 4/8/04, \$2.99.

17 MR. SONDERMAN: Your Honor, I'll object.

18 MR. MOSLEY: 12/1/04 --

19 MR. SONDERMAN: This is a document --

20 ATTORNEY EXAMINER JENNINGS: Excuse me,
21 Mr. Mosley. Mr. Sonderman is raising an objection.

22 MR. SONDERMAN: Mr. Mosley is referring
23 to a document. It appears to be handwritten notes, a
24 compilation of figures, notwithstanding the fact that
25 he received -- clearly received the order entry on

1 rehearing that told him he had to respond with any
2 documents he intended to rely on at this proceeding.
3 He has not done that with this, and now he expects to
4 testify from it. It's inconsistent with the
5 Commission's order, and he cannot do so. I object.

6 ATTORNEY EXAMINER JENNINGS: Objection --

7 MR. MOSLEY: He's got it wrong. He's got
8 it wrong on the objection.

9 ATTORNEY EXAMINER JENNINGS: The
10 objection is sustained. I'm not going to allow it.

11 MR. MOSLEY: Well, I'm going to have to
12 object to that.

13 ATTORNEY EXAMINER JENNINGS: Mr. Mosley,
14 I issued a ruling.

15 MR. MOSLEY: I just wrote these up.

16 ATTORNEY EXAMINER JENNINGS: I've issued
17 my ruling.

18 MR. MOSLEY: So in other words, I just
19 wrote these up two days ago.

20 ATTORNEY EXAMINER JENNINGS: Have you
21 provided those figures to Dayton Power and Light?

22 MR. MOSLEY: If you want a copy of this,
23 you can have a copy of this.

24 ATTORNEY EXAMINER JENNINGS: Have you
25 provided this previously?

1 MR. MOSLEY: I just gave it two days ago.

2 ATTORNEY EXAMINER JENNINGS: Then it
3 cannot be used here.

4 MR. MOSLEY: Okay. I'll go along with
5 that because it's on the record. There's one thing
6 I'm going to put on the record again. I dispute
7 owing DP&L \$5,497.51. And that's -- and I do have
8 proof that they overcharged me even after I paid them
9 \$1,733.39.

10 And, your Honor, since I can't say
11 nothing else, I'm going to leave it at that for right
12 now.

13 ATTORNEY EXAMINER JENNINGS: Okay.

14 MR. MOSLEY: And I will be back again.

15 ATTORNEY EXAMINER JENNINGS: Okay. If
16 there's nothing further, please have a seat; and
17 Mr. Sonderman can present his case.

18 MR. SONDERMAN: Your Honor -- is it
19 something I said?

20 THE WITNESS: Yeah. The lights even know
21 when DP&L ain't right.

22 MR. SONDERMAN: Your Honor, I think we've
23 all tried to be patient with these proceedings. I
24 would point out that the burden of proof in this
25 proceeding is not Dayton Power and Light's. It's the

1 complainant's here under the precedence of this
2 Commission, and it's recognized in the courts that
3 it's the complainant's burden of proof. The
4 complainant simply has not sustained his burden of
5 proof in this proceeding.

6 He failed to comply with the orders of
7 the Commission that we be provided with documentary
8 evidence. We've heard allegations but not supported
9 by anything that is probative testimony.

10 The rehearing application, as it was
11 accepted by the Commission, informed him clearly of
12 what the rules of the road were going to be; and
13 we've seen what the result of that has been.
14 Although I have a witness here today who could
15 testify, I don't believe it's incumbent on me to
16 present that witness because there's nothing to rebut
17 in the way of probative evidence that has been
18 presented by the complainant.

19 If the Attorney Examiner wants me to
20 present this witness and make her available for
21 cross-examination, I will do so; but I don't believe
22 I need to do so given the state of the record in this
23 case. I would rest otherwise.

24 ATTORNEY EXAMINER JENNINGS: Okay.
25 Because Mr. Mosley was not present at the prior

1 proceeding through no fault of his own, through lack
2 of notice, I would request that DP&L make its witness
3 available so that he can ask questions or
4 cross-examine as he would have had he been present at
5 the prior proceeding.

6 MR. SONDERMAN: Fine, your Honor. Can we
7 limit that to the testimony that he was not present
8 for? In other words, the direct testimony was not
9 admitted during the September 22 hearing. So that's
10 fair game.

11 MR. MOSLEY: I object.

12 MR. SONDERMAN: And the testimony that
13 Ms. Brown --

14 MR. MOSLEY: I object.

15 MR. SONDERMAN: And the testimony that
16 Ms. Brown gave at the February hearing where he was
17 not in attendance. My point is, your Honor, that he
18 did cross-examine Lisa Brown --

19 MR. MOSLEY: I object again.

20 MR. SONDERMAN: -- at the hearing on
21 September 22. So to give him another opportunity,
22 another bite at that apple, is not appropriate.

23 ATTORNEY EXAMINER JENNINGS: There were
24 supplemental billings presented at the February 12
25 hearing, if my recollection is correct --

1 MR. SONDERMAN: Your Honor, we --

2 ATTORNEY EXAMINER JENNINGS: -- where
3 Ms. Brown supplemented her billing statement to
4 include billings to date.

5 MR. SONDERMAN: That's correct, your
6 Honor. And we certainly are prepared to have
7 Ms. Buman testify with respect to that update.
8 Anything that was presented at the February 22 -- I'm
9 sorry, February 12 hearing or Ms. Brown's direct.

10 I mean, the billing statement, if he
11 wants to talk to her about the billing statement,
12 we're fine with that.

13 ATTORNEY EXAMINER JENNINGS: Okay.

14 MR. SONDERMAN: Okay. If he wants to
15 present bills going back to whenever that have not
16 been provided to us, then we do have a problem with
17 that.

18 ATTORNEY EXAMINER JENNINGS: Okay. I
19 will allow Mr. Mosley to cross-examine Ms. Buman,
20 adopting Ms. Brown's testimony and billings.

21 MR. SONDERMAN: Well, your Honor, DP&L
22 then would call Kolleen Buman to the stand.

23 ATTORNEY EXAMINER JENNINGS: Please raise
24 your right hand.

25 (Witness sworn.)

1 ATTORNEY EXAMINER JENNINGS: Thank you.
2 Please be seated.

3 - - -

4 KOLLEEN BUMAN
5 being first duly sworn, as prescribed by law, was
6 examined and testified as follows:

7 DIRECT EXAMINATION

8 By Mr. Sonderman:

9 Q. Would you please state your full name and
10 your business address for the record, please.

11 A. Kolleen Buman. I work at Dayton Power at
12 Light at 1900 Dryden Road, Dayton, Ohio.

13 Q. Now, Ms. Buman, how long have you been an
14 employee of Dayton Power and Light?

15 A. I've worked at Dayton Power and Light
16 four years and ten months.

17 Q. All right. What is your current position
18 with Dayton Power and Light?

19 A. I work at Dayton Power and Light in the
20 PUCO office. We are a liaison between the PUCO and
21 Dayton Power and Light.

22 Q. Would it be correct that you deal with
23 customer complaints, both formal and informal, in
24 your liaison role with the Commission?

25 A. We do.

1 Q. Now, is that the same role that Ms. Lisa
2 Brown had before leaving the company to go back to
3 school?

4 A. Yes.

5 Q. Ms. Buman, have you had the opportunity
6 to review the direct testimony that was filed in this
7 proceeding by Ms. Brown?

8 A. I have, yes.

9 Q. Have you reviewed the testimony that was
10 provided by Ms. Brown on February 12 of 2013 --

11 A. I did.

12 Q. -- in the transcript in this proceeding?

13 A. I did, yes.

14 MR. MOSLEY: I object. He keeps saying
15 February. That's not the date when this proceeding
16 was. So why does he keep saying February?

17 ATTORNEY EXAMINER JENNINGS: There was a
18 February hearing.

19 MR. MOSLEY: Yeah, but not for the
20 proceeding that we're talking about.

21 ATTORNEY EXAMINER JENNINGS: Yes, there
22 was.

23 MR. MOSLEY: I'm going to object to that.

24 ATTORNEY EXAMINER JENNINGS: Objection
25 overruled.

1 Q. (By Mr. Sonderman) Ms. Buman, I believe
2 my question was: Did you have the opportunity to
3 review the transcript of the proceeding of the
4 February 12 hearing which has been identified as
5 Volume II and filed in the docket in this proceeding?

6 A. Yes, I did.

7 Q. Now, do you believe, to the best of your
8 information and belief -- I'm sorry. The exhibits
9 that were associated with the February 12 proceeding,
10 did you review those exhibits?

11 A. Yes, I did.

12 Q. Now, looking at those exhibits and the
13 prepared direct testimony of Ms. Brown and the oral
14 testimony provided at the February 12 hearing, did
15 you have any corrections or note any incompleteness
16 in that testimony that you'd like to bring to the
17 attention of the proceeding today?

18 A. No.

19 Q. And if I were to ask you the questions
20 that were asked in the direct testimony and in the
21 testimony on February 12, would your answers be the
22 same as set forth in that testimony and in the
23 exhibits therein?

24 A. Yes.

25 Q. Is it your intention to adopt the direct

1 testimony of Lisa Brown and the oral testimony on
2 February 12, 2013, as your own testimony in this
3 proceeding?

4 A. Yes, it is.

5 MR. SONDERMAN: Thank you. Your Honor,
6 with that, Ms. Buman is tendered for
7 cross-examination.

8 ATTORNEY EXAMINER JENNINGS: Thank you.
9 Mr. Mosley.

10 MR. MOSLEY: Yes. I just brought out a
11 paper that has something to do with those
12 proceedings, and it was dated 9/26/2013. So I'm
13 still kind of -- I'm still trying to figure out this
14 February thing, and that's not when it was dated for.

15 I don't know. He keeps talking about
16 February. That was over with. The proceedings that
17 I've been talking about was dated afterwards. This
18 is also from the PUCO. I have the dates here, which
19 I would like to introduce.

20 ATTORNEY EXAMINER JENNINGS: Do you have
21 a question for Ms. Buman?

22 MR. MOSLEY: Well, I want to introduce
23 this to you because this is from you too.

24 ATTORNEY EXAMINER JENNINGS: Do you have
25 a question?

1 MR. MOSLEY: Yes, sir, I got a question.

2 - - -

3 CROSS-EXAMINATION

4 By Mr. Mosley:

5 Q. When did you start on these proceedings?

6 A. I've worked with Lisa --

7 Q. No. That's not what I asked you. When
8 did you start on these proceedings?

9 MR. SONDERMAN: Excuse me, your Honor.
10 I'm going to ask that Mr. Mosley give my witness the
11 opportunity to respond to his questions.

12 MR. MOSLEY: That's a yes-or-no answer.

13 MR. SONDERMAN: Sir, my witness is
14 entitled to respond to your question. You are --

15 MR. MOSLEY: That's a yes-or-no answer.

16 ATTORNEY EXAMINER JENNINGS: Mr. Mosley,
17 I will allow her to continue to answer. Please allow
18 for her to complete her answer.

19 MR. MOSLEY: It's a yes-or-no answer,
20 your Honor.

21 ATTORNEY EXAMINER JENNINGS: You can
22 press afterwards, but allow her to respond.

23 MR. MOSLEY: I thought it was me asking
24 the questions.

25 ATTORNEY EXAMINER JENNINGS: You will be

1 allowed to do so.

2 MR. MOSLEY: That's what I was doing.

3 ATTORNEY EXAMINER JENNINGS: Allow her to
4 finish her answer.

5 MR. MOSLEY: Your Honor, in a court of
6 law, you can only answer what was asked you. That
7 was all I asked. I didn't ask her to explain
8 anything. What I gave her was an answer -- was a
9 question, and all she needs to say is yes or no.

10 ATTORNEY EXAMINER JENNINGS: If you're
11 dissatisfied with the answer, you may ask again.

12 MR. MOSLEY: I never got it.

13 Q. (By Mr. Mosley) So when did you start
14 these proceedings for this case?

15 MR. SONDERMAN: I'm going to object to
16 the form of the question. What are you asking, sir?

17 MR. MOSLEY: I'm not finished. I'm not
18 finished.

19 Q. (By Mr. Mosley) Did you start with these
20 proceedings? When did you start going through the
21 questions for this proceeding?

22 A. A date? Is that what you're --

23 Q. Yes.

24 A. Do you want a date?

25 Q. Yes.

1 A. 2011.

2 Q. 2011?

3 A. Correct.

4 Q. That's when you started on this; right?

5 That's when you started on those proceedings? 2011?

6 A. I'm very familiar with it.

7 Q. That's not what I asked.

8 A. You asked for a date.

9 Q. That's not what I asked.

10 A. I gave you a date.

11 Q. I asked when you started on these
12 proceedings. You said 2011.

13 MR. SONDERMAN: That's correct. And
14 she's answered the question, sir.

15 MR. MOSLEY: Well, that was all I wanted
16 to find out on that.

17 Q. (By Mr. Mosley) Now, you read
18 Mrs. Brown's comments; right?

19 A. Yes, I have.

20 Q. Okay.

21 MR. SONDERMAN: Your Honor, I've just
22 given her a copy of the direct testimony of
23 Ms. Brown.

24 ATTORNEY EXAMINER JENNINGS: Thank you.

25 Q. (By Mr. Mosley) So, in other words, you

1 know what Ms. Brown was working on; right?

2 A. Yes, I do, sir.

3 Q. Okay. When did you familiarize yourself
4 with the complaint against me?

5 A. I don't have an exact date.

6 MR. SONDERMAN: I object. There's no
7 complaint against you pending, sir.

8 ATTORNEY EXAMINER JENNINGS: Sustained.

9 MR. MOSLEY: That is not what I just
10 said. I said when was she familiar with the
11 complaint filed against me? And now this is from
12 Ms. Lisa Brown. (Indicating.)

13 ATTORNEY EXAMINER JENNINGS: The
14 objection is sustained. DP&L has not filed a
15 complaint against you.

16 MR. MOSLEY: No, but, see, the thing is I
17 object to what he just said because this come out of
18 the direct testimony from Ms. Brown. Now, if he
19 wants to object, bring Ms. Brown in.

20 ATTORNEY EXAMINER JENNINGS: Do you wish
21 to refer to the line number of the testimony?

22 MR. MOSLEY: Yes. It's in No. 10.

23 THE WITNESS: And I'm very familiar with
24 it. So yes. The answer is yes. I'm familiar with
25 the case.

1 Q. (By Mr. Mosley) You know, you just said
2 the same thing. You just gave the same answer that
3 Ms. Brown did after you looked at it. That's not
4 your answer; that's the answer Ms. Brown gave. So I
5 have to object to the fact that you don't know
6 nothing about this case.

7 ATTORNEY EXAMINER JENNINGS: Objection
8 overruled.

9 MR. MOSLEY: Your Honor, since I figure
10 she don't know nothing about this case, I don't have
11 no more questions for her at this time.

12 ATTORNEY EXAMINER JENNINGS: Okay. I
13 believe that concludes the hearing, if there's no
14 further --

15 MR. SONDERMAN: Nothing further, your
16 Honor. Thank you.

17 MR. MOSLEY: Your Honor, I got one thing
18 I'd like to introduce in these proceedings.

19 ATTORNEY EXAMINER JENNINGS: Mr. Mosley,
20 you've had an opportunity to do that; and --

21 MR. MOSLEY: Well --

22 ATTORNEY EXAMINER JENNINGS: -- it's not
23 an appropriate time at this point.

24 MR. MOSLEY: I didn't say I was
25 completely finished. I said at that time I was, so

1 I'd like to come back to the stand.

2 ATTORNEY EXAMINER JENNINGS: I'm sorry.
3 That's not the way it works.

4 MR. MOSLEY: You know, why is y'all's
5 hearings and stuff different than a court of law?
6 Why is the hearings here different than a court of
7 law? because everything I'm stating is legal in a
8 court of law.

9 ATTORNEY EXAMINER JENNINGS: Mr. Mosley,
10 at this point, I'll grant both parties an opportunity
11 to make a closing argument, if they wish. It will
12 begin with you.

13 MR. MOSLEY: Well, my closing argument is
14 going to be what it's always been. I don't owe DP&L
15 nothing. As a matter of fact, they owe me. Now, I
16 got all the proof there is against DP&L. So I'm
17 going to bring these proceedings probably to the
18 public, like maybe the newspapers, maybe the
19 government, because regulations state also that y'all
20 are supposed to control DP&L.

21 DP&L is a little bit out of whack when it
22 comes to us. I'm a citizen. Like there's thousands
23 of other citizens out there that's probably going
24 through the same stuff.

25 And when I seen something wrong, I went

1 off it because that's the way I am. Because if I see
 2 something wrong, especially when it comes to messing
 3 with me and my money that I got to pay, I'm going to
 4 say something about it. I've been going after DP&L
 5 for years, and they've been getting away with crap
 6 for years.

7 I even had their lawyer know and was
 8 proven to the lawyer and he agreed to take all that
 9 stuff off of me, all them bills. And for me to go
 10 through something that their lawyer said I wouldn't
 11 have to go through again, I'm going right back
 12 through the same stuff again that he signed himself.

13 And the lawyer was named Timothy Rice for
 14 DP&L. Now, I got proof that I don't owe DP&L. And
 15 then I got proof also that was left here, 35 exhibits
 16 that I know of that they should have known of. Only
 17 thing they can introduce is 11. That ain't proving
 18 nothing because I got 35 of them.

19 So, your Honor, even if you go and give
 20 it to DP&L, I'm going to file again. But only this
 21 time, I'm going to bring a little bit more help to
 22 these proceedings, as is my right.

23 Thank you.

24 ATTORNEY EXAMINER JENNINGS: Thank you.

25 Mr. Sonderman.

1 MR. SONDERMAN: Thank you, your Honor.
2 We're here today because of the document that was
3 submitted by Mr. Mosley and received at the
4 Commission on July 29 of this year, in which the
5 Commission construed as an application for rehearing.
6 In that application for rehearing, he suggested that
7 he had proof of DP&L's illegal acts.

8 He had indicated that he was not on PIPP
9 but "DP&L kept saying I was." He indicated that a
10 witness had been called by DP&L that had nothing to
11 do with his complaint.

12 Then he went on to say he was going to
13 bring the matter to the attention of other folks in
14 the government.

15 Your Honor --

16 MR. MOSLEY: I didn't hear that. I
17 didn't hear that, that last part you just said.

18 MR. SONDERMAN: I said I believe then he
19 indicated he was going to bring this to the attention
20 of others in the government.

21 MR. MOSLEY: That's right.

22 MR. SONDERMAN: Now, your Honor, the
23 point is: There's nothing that's been presented
24 today that supports any of those contentions in his
25 evidence.

CERTIFICATE

I do hereby certify that the foregoing is
a true and correct transcript of the proceedings
taken by me in this matter on Thursday, November 21,
2013, and carefully compared with my original
stenographic notes.

Margaret A. Marsh, Registered
Professional Reporter.

(73940-MM)

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Summary: Transcript in the matter of Ron Mosley v The Dayton Power and Light Company hearing held on 11/21/13 electronically filed by Mrs. Jennifer Duffer on behalf of Armstrong & Okey, Inc. and Marsh, Margaret