

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

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In the Matter of the :
Determination of the :
Existence of Significantly:
Excessive Earnings for :
2012 Under the Electric : Case No. 13-1495-EL-UNC
Security Plan of the :
Dayton Power and Light :
Company. :

- - -

PROCEEDINGS

before Mr. Bryce McKenney, Attorney Examiner, at the
Public Utilities Commission of Ohio, 180 East Broad
Street, Room 11-D, Columbus, Ohio, called at 10 a.m.
on Tuesday, December 3, 2013.

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- - -

APPEARANCES:

Faruki, Ireland & Cox P.L.L.
By Mr. Jeffrey Sharkey
500 Courthouse Plaza, S.W.
10 North Ludlow Street
Dayton, Ohio 45402

On behalf of the Applicant.

Mike DeWine, Ohio Attorney General
By Mr. William L. Wright,
Section Chief
Public Utilities Section
Mr. Thomas W. McNamee,
Principal Attorney
180 East Broad Street, 6th Floor
Columbus, Ohio 43215

On behalf of the Staff of the PUCO.

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Joint Exhibit	Identified	Admitted
1 Stipulation and Recommendation	8	8

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DP&L Exhibit	Identified	Admitted
1 Prefiled Testimony of Gregory S. Campbell	6	8
2 Prefiled Testimony of Michael J. Vilbert	7	8
3 Prefiled Testimony of Emily Rabb	7	8

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Deposition Exhibit	Identified	Admitted
1 Prefiled Testimony of Joseph P. Buckley	8	9

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Tuesday Morning Session,
December 3, 2013.

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EXAMINER McKENNEY: Let's go on the
record.

At this time the Public Utilities
Commission of Ohio has called for hearing at this
time and place Case No. 13-1495-EL-UNC being in the
Matter of the Determination of the Existence of
Significantly Excessive Earnings for 2012 Under the
Electric Security Plan of the Dayton Power and Light
Company.

My name is Bryce McKenney, and I am the
Attorney Examiner assigned by the Commission to hear
this case.

At this time I'll take the appearances of
the parties beginning with the company.

MR. SHARKEY: Yes, your Honor, thank you.
Jeff Sharkey from the law firm Faruki, Ireland & Cox
representing the Dayton Power and Light Company, and
I have Emily Rabb with me. She is with the company.

EXAMINER McKENNEY: Thank you,
Mr. Sharkey.

On behalf of the staff.

MR. McNAMEE: On behalf of the staff of

1 the Public Utilities Commission of Ohio, Thomas W.
2 McNamee, Assistant Attorney General, 180 East Broad
3 Street, Columbus, Ohio 43215.

4 EXAMINER McKENNEY: Thank you,
5 Mr. McNamee.

6 Mr. Sharkey, are you prepared to move
7 forward?

8 MR. SHARKEY: I am, your Honor. The
9 Dayton Power and Light Company would call Emily Rabb
10 to the stand.

11 (Witness sworn.)

12 EXAMINER McKENNEY: Please be seated.

13 - - -

14 EMILY RABB

15 being first duly sworn, as prescribed by law, was
16 examined and testified as follows:

17 DIRECT EXAMINATION

18 By Mr. Sharkey:

19 Q. Ms. Rabb, do you have before you a copy
20 of your prefiled testimony in this matter?

21 A. Yes.

22 Q. Do you have any corrections or changes to
23 it?

24 A. I do. On page 2, line 34, it says "the
25 stipulation filed in this matter on November 11."

1 That should be updated to "November 13."

2 Q. Any other corrections or changes?

3 A. No.

4 Q. If I asked you the same questions that
5 were included in this testimony, would you give me
6 the same answers?

7 A. Yes.

8 Q. Would they be true?

9 A. Yes.

10 MR. SHARKEY: Your Honor, I have no
11 further questions.

12 EXAMINER McKENNEY: Cross-examination
13 from Mr. McNamee?

14 MR. McNAMEE: I have no questions.

15 EXAMINER McKENNEY: Do you seek to have
16 the exhibit marked and admitted, Mr. Sharkey?

17 MR. SHARKEY: Yes, your Honor. I was
18 also -- I was actually going to propose to have four
19 DP&L exhibits.

20 EXAMINER McKENNEY: Okay.

21 MR. SHARKEY: And Ms. Rabb was going to
22 be DP&L Exhibit 3. But if I may, the exhibits I
23 would like marked and moved admitted DP&L Exhibit 1
24 would be the prefiled testimony of Greg Campbell
25 including his exhibits; DP&L Exhibit 2 would be the

1 prefiled testimony of Mike Vilbert; DP&L Exhibit 3
2 would be the prefiled testimony of Ms. Rabb; and then
3 DP&L Exhibit 4 would be the Stipulation and
4 Recommendation that was filed in this matter.

5 Regarding Mr. Campbell and Mr. Vilbert, I
6 had previously communicated that we did not -- to
7 Mr. McNamee that we did not intend for them to appear
8 because we didn't believe anybody had questions for
9 them, and he communicated to me that staff had no
10 objection to that.

11 EXAMINER McKENNEY: All right. They will
12 each be marked.

13 Ms. Rabb, you are excused from the stand.
14 Thank you.

15 (EXHIBITS MARKED FOR IDENTIFICATION.)

16 EXAMINER McKENNEY: Any objection to the
17 admission of the exhibits by Mr. Sharkey from staff?

18 MR. McNAMEE: Oh, no objection, your
19 Honor.

20 EXAMINER McKENNEY: They will each be
21 admitted.

22 Mr. Sharkey, I am going to ask you one
23 more time what did you ask for the Stipulation and
24 Recommendation to be marked as?

25 MR. SHARKEY: As DP&L Exhibit 4. Would

1 you like me to run down the numbers again?

2 EXAMINER McKENNEY: That's all right. I
3 think we have it on the record, but I am going to ask
4 any objection to marking the Stipulation and
5 Recommendation as Joint Exhibit 1?

6 MR. McNAMEE: Not at all.

7 MR. SHARKEY: No objection, your Honor,
8 if that's what you prefer.

9 EXAMINER McKENNEY: Let's mark that as
10 Joint Exhibit 1.

11 (EXHIBIT MARKED FOR IDENTIFICATION.)

12 EXAMINER McKENNEY: The exhibits will be
13 admitted.

14 (EXHIBITS ADMITTED INTO EVIDENCE.)

15 EXAMINER McKENNEY: Staff.

16 MR. McNAMEE: Yes, your Honor. I would
17 ask to have marked Staff Exhibit 1 the prefiled
18 testimony of Joseph Buckley. I believe Mr. Sharkey
19 has indicated we would stipulate the admission of
20 that.

21 EXAMINER McKENNEY: It will be so marked.

22 (EXHIBIT MARKED FOR IDENTIFICATION.)

23 EXAMINER McKENNEY: Any objection to the
24 admission?

25 MR. SHARKEY: No, your Honor.

1 EXAMINER McKENNEY: Hearing none it will
2 be so admitted.

3 (EXHIBIT ADMITTED INTO EVIDENCE.)

4 EXAMINER McKENNEY: Anything further?

5 MR. McNAMEE: No, your Honor. I think
6 that resolves everything in the case.

7 EXAMINER McKENNEY: Thank you. We're
8 adjourned.

9 (Thereupon, the hearing was concluded at
10 10:05 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, December 3,
2013, and carefully compared with my original
stenographic notes.

Karen Sue Gibson, Registered
Merit Reporter.

(KSG-5785)

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in

Case No(s). 13-1495-EL-UNC

Summary: Transcript in the matter of Dayton Power and Light Company hearing held on 12/03/13 electronically filed by Mrs. Jennifer Duffer on behalf of Armstrong & Okey, Inc. and Gibson, Karen Sue Mrs.