

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

- - -

In the Matter of the	:	
Complaint of Larry	:	
Peterson,	:	
	:	
Complainant,	:	Case No. 14-0744-EL-CSS
	:	
vs.	:	
	:	
Duke Energy Ohio, Inc.,	:	
	:	
Respondent.	:	

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PROCEEDINGS

before Jim M. Lynn, Attorney Examiner, held at the
offices of the Public Utilities Commission of Ohio,
180 East Broad Street, Hearing Room 11-D, Columbus,
Ohio, on Thursday, May 21, 2015 at 10:07 a.m.

- - -

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1 APPEARANCES:

2 Larry W. Peterson
3 3944 Roosevelt Boulevard
4 Middletown, Ohio 45044

5 Pro se.

6 Eberly, McMahon, Copetas, LLC
7 By Robert A. McMahon
8 2321 Kemper Lane, Suite 100
9 Cincinnati, Ohio 45206

10 On behalf of the Duke Energy Ohio, Inc.

11 ALSO PRESENT:

12 Melissa Coffman.

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Thursday Morning Session,
May 21, 2015.

- - -

ATTORNEY EXAMINER: Let's go on the
record at this time. Public Utilities Commission of
Ohio has assigned for hearing at this time and place
Case No. 14-744-EL-CSS, In the Matter of Larry
Peterson versus Duke Energy Ohio. I'm Jim Lynn, the
Attorney-Examiner assigned to hear this case.

At this time, we'll have the appearances
of the parties. We'll begin with Mr. Peterson.
Mr. Peterson, if you'd state your name and address
for the court reporter.

MR. PETERSON: Larry William Peterson,
3944 Roosevelt Boulevard, Middletown, Ohio, 45044.

ATTORNEY EXAMINER: Okay. For Duke
Energy Ohio?

MR. MC MAHON: Good morning, your Honor.
Robert McMahon on behalf of the Company, and along
with me is Melissa Coffman for Duke Energy.

ATTORNEY EXAMINER: Thank you.
Mr. Peterson, we'll go with Mr. Peterson first.
Mr. Peterson, if you'd like to come up to the witness
stand, please, we'll swear you in and bring whatever
evidence you might want to introduce into the hearing

1 along with you.

2 MR. PETERSON: I don't know if I should
3 say this, but I got a statement from them stating
4 that they did get overpaid by me.

5 ATTORNEY EXAMINER: Well, let's do this,
6 let's swear you in first, and then we'll go from
7 there, okay? Would you raise your right hand,
8 please.

9 - - -

10 LARRY W. PETERSON
11 being first duly sworn, as prescribed by law, was
12 examined and testified as follows:

13 DIRECT TESTIMONY

14 ATTORNEY EXAMINER: Now, I'm sure you
15 have some comments you want to make, that's why
16 you're here today, and what were you starting to say
17 before I swore you in?

18 THE WITNESS: I received I think it was
19 Tuesday statements from a lawyer in Cincinnati
20 directed by Duke saying that my bills were paid.

21 ATTORNEY EXAMINER: Okay. Well, that's
22 okay. Why don't we do this: Let's go ahead with
23 whatever statements you have to make, okay. Indicate
24 like what brought you here today, what the nature of
25 the Complaint is, why you feel the hearing was

1 necessary.

2 And then if you have any documents of
3 any sort to introduce into evidence to support your
4 case, you can introduce those. And Duke will have
5 the opportunity to object or not, okay?

6 So, first, let's take a look at the
7 nature of the Complaint, what brought you here today,
8 you know, why you felt that you needed a hearing,
9 that kind of thing.

10 THE WITNESS: I believe I overpaid to
11 Duke Electric.

12 ATTORNEY EXAMINER: Okay.

13 THE WITNESS: I do have some stuff there.
14 I can't essentially say what my bills are. I know
15 what they are, and that's where the Complaint comes.

16 ATTORNEY EXAMINER: So you're saying you
17 believe you overpaid on your -- These are electric
18 bills then?

19 THE WITNESS: Yes. I tried to explain to
20 Duke I don't have all the paperwork yet for said --
21 to prove what I'm saying.

22 ATTORNEY EXAMINER: Okay. During --

23 THE WITNESS: I have reasonable doubt
24 just the price was three times what it should have
25 been.

1 ATTORNEY EXAMINER: Okay. What period of
2 time are you talking about, Mr. Peterson?

3 THE WITNESS: December of 2013 to
4 April 2015.

5 ATTORNEY EXAMINER: Okay. So you're
6 saying that you feel your bills were higher than
7 normal, if I understand you correctly?

8 THE WITNESS: Yes.

9 ATTORNEY EXAMINER: And are you thinking
10 that -- What are your thoughts on that on why that
11 might be? Are you saying that Duke miscalculated or
12 what are you thinking?

13 If you believe your bills are higher
14 than normal, why did you feel a hearing was
15 necessary?

16 Do you feel that Duke is at fault, that
17 they made some mistake? What do you think?

18 THE WITNESS: I don't know who's at
19 fault. I just rationalize what the meters read and
20 what I had to pay. I had to pay 350 to \$375 a month
21 utilities when it should only be 80 to 110 or -20.

22 ATTORNEY EXAMINER: When you say what the
23 meter read and what you had to pay, do you have some
24 knowledge of how to read a meter or do you call --

25 THE WITNESS: That was their readings,

1 not mine.

2 ATTORNEY EXAMINER: It was their
3 readings, okay. Now, you're comparing the dollar
4 amount you said was like over \$300 to what was the
5 lower amount again?

6 THE WITNESS: Say 90 to 125 a month
7 utilities. It's a small, two-bedroom apartment.

8 ATTORNEY EXAMINER: And do you have -- Is
9 it electric heat in that apartment?

10 THE WITNESS: Yes, it's central heat and
11 air conditioning.

12 ATTORNEY EXAMINER: But it's electric
13 heat then?

14 THE WITNESS: Yes.

15 ATTORNEY EXAMINER: So you believe that
16 the amount that Duke billed you was incorrect, and
17 the reason you're saying that, again, is mostly that,
18 if I'm understanding you correctly, you're comparing
19 it to the amount that you had to pay was it for those
20 months in prior years or something?

21 THE WITNESS: Basically. I believe I
22 have some of my worksheet that I could present to you
23 on a representation of what homes pay.

24 ATTORNEY EXAMINER: Well, do you have
25 that available that you can introduce into evidence?

1 THE WITNESS: I believe I brought it with
2 me. I'm sorry, can I get up?

3 ATTORNEY EXAMINER: You can get up.

4 THE WITNESS: Is there any way I can
5 introduce testimony later on?

6 ATTORNEY EXAMINER: Well, not really
7 because the other party would have no opportunity to
8 object, so....

9 THE WITNESS: I think I mailed it to you.

10 ATTORNEY EXAMINER: Well, at any rate,
11 you don't have that with you here today, but what
12 was -- So you're indicating you had some document
13 that you wanted to show us. And you don't happen to
14 have it here today, okay. And that document was --
15 what did it represent again?

16 THE WITNESS: My bills.

17 ATTORNEY EXAMINER: Your bills, I see.

18 THE WITNESS: I moved in there September
19 of, what is this, 2013, and I've been there 2012 --
20 whatever it was, I've been there since then.

21 ATTORNEY EXAMINER: So you're questioning
22 the amount of the bills you're saying from December
23 of 2013 you were saying through April of 2015?

24 THE WITNESS: Yes.

25 ATTORNEY EXAMINER: That long a period of

1 time, okay.

2 MR. MC MAHON: Your Honor, if I may. Do
3 I need to stand?

4 ATTORNEY EXAMINER: You can sit, that's
5 just fine.

6 MR. MC MAHON: Okay. I guess I would
7 impose a couple of objections. One, the Complaint in
8 this matter was filed April 21st, 2014. So anything
9 from April 2014 until April 2015 is not at issue in
10 these proceedings.

11 ATTORNEY EXAMINER: Well, then I'll agree
12 to that objection.

13 MR. MC MAHON: The second issue is if you
14 look at the formal Complaint that's filed in the
15 record, Mr. Peterson did not raise an issue about
16 high bills or overpaying Duke or anything about
17 usage. It's very specifically about allegedly having
18 gotten bills relating to a garage versus his
19 apartment and the confusion and the application of
20 his payments in that respect. And that's what we
21 have been prepared to come and defend, and that's the
22 basis of the testimony and the evidence that we've
23 submitted in these proceedings.

24 ATTORNEY EXAMINER: All right. Thank
25 you, Mr. Peterson -- or Mr. McMahon. Sorry about

1 that.

2 MR. MC MAHON: That's all right.

3 THE WITNESS: The overpayment -- I'm
4 sorry.

5 ATTORNEY EXAMINER: Mr. Peterson, I think
6 Mr. McMahon raises a well thought out objection,
7 namely, the focus of your Complaint was about bills
8 that you were receiving for a different part of your
9 building than apparently where you were living, okay,
10 and it covered a period of time. Let's see, the
11 Complaint was filed April of 2014, so we need to
12 limit your comments today. And I did want to hear
13 initially what you had to say, but we do need to
14 limit your comments today to the period of time up to
15 April of 2014.

16 And secondly, to the matter of although
17 you were discussing just a minute ago you felt you
18 had been overbilled by Duke, if you could narrow your
19 comments down to the matter of your Complaint which
20 was being billed to a different part of the building
21 than where you were living, if we're clear on that
22 then. I imagine we are.

23 THE WITNESS: The part on the partial
24 payment on the other part of the building?

25 ATTORNEY EXAMINER: Again, your Complaint

1 was saying you were billed to a different part of the
2 building. And there was a double billing too. You
3 said, "I only rent the upstairs of the apartment,"
4 this is in your original Complaint.

5 So when you started out your comments,
6 you were mentioning incorrect billing by Duke from
7 December of 2013 to April of 2015. What Mr. McMahon
8 is saying is an objection that I will agree with,
9 that your Complaint was filed April 2014, so you can
10 only go up to that point in time to discuss your
11 Complaint, okay?

12 THE WITNESS: Can I have a report from
13 2014 to today?

14 ATTORNEY EXAMINER: Well, you'd have to
15 file a different Complaint for that. So today our
16 focus is on what you had said in your Complaint which
17 was -- Again, the Complaint was filed in April of
18 2014, but the focus today is on a period of time up
19 until then when you were indicating that you were
20 being billed incorrectly because you were being
21 billed to a different part of your building than
22 where you were actually living. So with that in
23 mind, what can you add beyond to what was in your
24 original Complaint?

25 THE WITNESS: I had three or four

1 reimbursements by Duke that was applied to my bills.

2 ATTORNEY EXAMINER: You had

3 reimbursements by Duke?

4 THE WITNESS: Three or four of them.

5 ATTORNEY EXAMINER: They were applied to

6 your bill to the part of the building that you lived

7 in?

8 THE WITNESS: (Nods head.)

9 ATTORNEY EXAMINER: For the sake of our

10 court reporter, it's okay to nod your head, but say

11 yes or no because they have to record that.

12 So there were reimbursements from Duke.

13 And with that in mind then, why did you feel the

14 hearing was necessary? If you were -- There was --

15 Your Complaint indicates you were billed for a part

16 of the building other than -- It says, "Billed for a

17 storage room and garage; I only rent the upstairs."

18 So if you were reimbursed by Duke, what more do you

19 have to add then? What more do you have to say?

20 THE WITNESS: Okay, he's a Duke

21 representative, could we get the last two bills I

22 paid the last two months? That would determine what

23 my real electricity is. And if it would need another

24 hearing or in the future or whatever, but the last

25 two bills were \$150, -70.

1 ATTORNEY EXAMINER: Again, Mr. Peterson,
2 the last two bills would have been for a period of
3 time after when you filed your Complaint. So your
4 Complaint covers up to -- Since it was filed in
5 April 2014, your Complaint, anything you discuss
6 today could go up to April 2014, but if you feel
7 there was any incorrect billing after that, that
8 would have to be subject to filing a different
9 Complaint.

10 THE WITNESS: Okay. I understand what
11 you're saying.

12 ATTORNEY EXAMINER: So you indicated that
13 you received some reimbursements from Duke?

14 MR. PETERSON: (Nods head.)

15 ATTORNEY EXAMINER: All right. He's
16 indicating to the court reporter yes.

17 THE WITNESS: Three or four
18 reimbursements.

19 ATTORNEY EXAMINER: All right, three or
20 four. Then if you had the reimbursements, and given
21 the nature of what you wrote in your original
22 Complaint, which is you were billed for a different
23 part of the building, storage room and garage, but
24 you only rent the upstairs, and you got the
25 reimbursement, what do you feel is still not correct?

1 Again, we're talking about this period of time up to
2 April of 2014.

3 THE WITNESS: The bill, I paid extra --
4 paid more than what I should have. I had to disprove
5 it, correct? I mean, I've got to prove that I got --
6 that I paid more? That's what the Complaint is.
7 Now, if I can prove what my bills are, what they
8 should be, that's on there, on admissible evidence to
9 what I had paid?

10 ATTORNEY EXAMINER: Okay. You're
11 indicating that in your Complaint you feel you were
12 billed incorrectly?

13 THE WITNESS: Yes, sir.

14 ATTORNEY EXAMINER: Because you were
15 billed for a part of the building that you actually
16 did not live in?

17 THE WITNESS: Yes, sir.

18 ATTORNEY EXAMINER: You're agreeing with
19 that, okay. Now, you have told me that you have
20 received some reimbursements from Duke, and those
21 reimbursements, did it cover that period of time up
22 to when you filed the Complaint?

23 THE WITNESS: It occurred about three
24 months, not the whole --

25 ATTORNEY EXAMINER: Well, again, I'm

1 saying --

2 THE WITNESS: Dealing of what, 15, 18
3 months?

4 ATTORNEY EXAMINER: Remember, our
5 Complaint today focuses on things up to April 2014.
6 So when you received those reimbursements from Duke,
7 was it during that period of time up to April of
8 2014?

9 THE WITNESS: I'm not sure.

10 ATTORNEY EXAMINER: You're not sure.

11 THE WITNESS: But April of 2000 -- I
12 moved in there September 2013. You said April?

13 ATTORNEY EXAMINER: Again, your Complaint
14 was filed April of 2014, okay, and you're saying you
15 moved in there in September of 2013, and you believe
16 that the billing issues began December of 2013; am I
17 correct?

18 THE WITNESS: Yes, sir.

19 ATTORNEY EXAMINER: So that brings me
20 back to the question I had, you're indicating that
21 Duke had given you some reimbursements or credits
22 back, and those credits then, if they gave you
23 credits back, do you feel that there was something --
24 there's something still incorrect, again, for that
25 period of time up to this April 2014?

1 MR. PETERSON: (Nods head.)

2 ATTORNEY EXAMINER: You're indicating
3 they gave you some --

4 THE WITNESS: I would not actually say
5 yes or no on that. Sitting here, I cannot definitely
6 say.

7 ATTORNEY EXAMINER: All right. Okay.

8 THE WITNESS: The actual months were
9 variable.

10 ATTORNEY EXAMINER: The actual months --

11 THE WITNESS: The actual months before
12 and after said April whatever.

13 ATTORNEY EXAMINER: Okay. So what you're
14 saying is Duke gave you some reimbursements?

15 THE WITNESS: Yes.

16 ATTORNEY EXAMINER: It did show up on
17 your bill. And you're saying that you're not sure
18 what period of time those reimbursements covered or
19 are you saying the reimbursements were incorrect
20 somehow?

21 MR. PETERSON: The reimbursements were
22 applied to the bill.

23 ATTORNEY EXAMINER: Well, that's what I
24 mean.

25 THE WITNESS: That they charged me for

1 it.

2 ATTORNEY EXAMINER: So they were applied
3 to the bills. And, again, do you think there was
4 something -- If you received I'll call it a credit on
5 your bill, would you agree, there was a credit on
6 your bill, right?

7 THE WITNESS: Uh-huh, yes, I would agree
8 there was a credit on my bill. I've said that of
9 what it was said.

10 ATTORNEY EXAMINER: I'm sorry?

11 THE WITNESS: Of what was said, yes.

12 ATTORNEY EXAMINER: So there was a credit
13 on your bill. Duke apparently did several of those.

14 THE WITNESS: There was only one set of
15 credits. It was all three or four reimbursements but
16 just one time.

17 ATTORNEY EXAMINER: Oh, one time, all
18 right.

19 THE WITNESS: They did four of them.

20 ATTORNEY EXAMINER: Four of them, okay.

21 And, again, what I'm trying to find out is, your
22 original Complaint indicates you were billed for a
23 part of the building that you are not living in; you
24 agree to that? Do you agree with that?

25 THE WITNESS: To the point that it was in

1 conversation only. That's where the discrepancy
2 starts coming in. Now, up to April of '14, that
3 would be seven months.

4 ATTORNEY EXAMINER: I guess what I'm
5 trying to find out is this, you indicate the billing
6 issue that was for a part of the building you were
7 not living in, okay?

8 THE WITNESS: (Nods head.)

9 ATTORNEY EXAMINER: And you're nodding
10 your head yes, so if you could say yes, that the
11 billing issue covered a part of the building you were
12 not living in?

13 THE WITNESS: Correct, yes.

14 ATTORNEY EXAMINER: Again, if you could
15 say it out loud to the court reporter.

16 THE WITNESS: I'm sorry.

17 ATTORNEY EXAMINER: If you're nodding
18 your head, it won't get into the record. So it
19 covered a period -- it covered a part of the building
20 you're not living in, a building issue. Then you're
21 saying Duke did give you some credits on your bill?

22 THE WITNESS: (Nods head.)

23 ATTORNEY EXAMINER: Again, you're nodding
24 your head yes.

25 THE WITNESS: Yes, they gave me credit of

1 four months.

2 ATTORNEY EXAMINER: Okay. So given that
3 Duke did give you some credits on your bill, do you
4 feel there is still something else wrong for that
5 period of time up to April 2014?

6 THE WITNESS: Yes. Without too much
7 rationale of even worrying about me saying yes, I was
8 overcharged.

9 ATTORNEY EXAMINER: So you're saying that
10 Duke gave you credits back on your bill, you feel you
11 were overcharged, and do you feel that the credits
12 were not enough, or what?

13 THE WITNESS: The credit they gave me was
14 on the billings they gave me credit on, but I have a
15 whole list of 17 months of overcharging. Now, this
16 won't go up to April, I'm sorry.

17 ATTORNEY EXAMINER: Well, again, we're
18 only looking up to April of 2014.

19 THE WITNESS: The super charges started
20 in December of '13, 2013. That's when I called them
21 up immediately and explained to them about this
22 overcharging in December of 2013, and then we started
23 to get into why we're sitting here now.

24 ATTORNEY EXAMINER: Okay. So at any
25 rate, the overcharges you're saying from your

1 perspective, December 2013, your Complaint was filed
2 in April of 2014, and you're indicating Duke did
3 provide some credits back to you. And at this point,
4 you do not have any bills or documents with you to
5 introduce into evidence?

6 THE WITNESS: Did I pay all my bills?

7 ATTORNEY EXAMINER: If you do, you do,
8 but you don't have anything to introduce into
9 evidence then, anything to support what you're saying
10 about overpayments?

11 THE WITNESS: I tried to ask for a stay
12 of -- a stay of the Court because I can get the
13 stuff.

14 ATTORNEY EXAMINER: Okay.

15 THE WITNESS: And this didn't come
16 apparent to me until, what, three, four, five weeks
17 back.

18 ATTORNEY EXAMINER: Okay.

19 THE WITNESS: And I've got to go
20 through -- I've got to go write two or three banks
21 and other things and get the documents from them.
22 That's why I asked for the hearing be postponed.

23 ATTORNEY EXAMINER: All right. Okay.

24 Mr. Peterson, I have no more questions at this time,
25 but Mr. McMahon will have an opportunity to ask

1 questions of you, so Mr. McMahon, if you're ready,
2 you could step in.

3 MR. MC MAHON: Okay. Thank you, your
4 Honor.

5 ATTORNEY EXAMINER: If you need a moment,
6 we'll wait.

7 - - -

8 CROSS-EXAMINATION

9 By Mr. Mc Mahon:

10 Q. Mr. Peterson, you referenced having
11 received several reimbursements from Duke Energy.
12 Just to be clear, the Company gave you credit for the
13 payments that you made on the garage account. You
14 got the credits on the account for your apartment,
15 correct?

16 A. Isn't that reimbursement?

17 Q. Right, that's what you mean by the
18 reimbursements, correct?

19 A. Excuse me, they gave me reimbursements.

20 Q. Okay. But when you say --

21 A. I cannot declare where the -- I thought
22 they took it off of my bills, but what you just said,
23 they reimbursed me. That's as far as my knowledge
24 goes.

25 Q. What actually happened was you had made

1 payments that were applied to that garage account and
2 the Company moved those payments to your residential
3 apartment account, correct?

4 A. Well, if that's what they did, okay,
5 that's what they did.

6 Q. Okay. And when you say even though it's
7 not in your Complaint but you're now complaining
8 about high bills, you don't have any evidence today
9 to support how much electric you should have been
10 billed for versus what the company actually billed
11 you for, correct?

12 A. That would be impossible to have.

13 Q. Okay. But just answer my question, you
14 do not have that evidence, correct?

15 A. No.

16 ATTORNEY EXAMINER: And Mr. McMahon,
17 again, you're -- I assume that you're asking about
18 that period of time up to when the Complaint was
19 filed?

20 Q. (By Mr. Mc Mahon) Right. My question
21 focuses on the period of time from which you moved
22 into the apartment in September of 2013 until you
23 filed your Complaint on April 21st, 2014. You don't
24 have any evidence to support your claim that you were
25 not billed correctly for your usage of electric on

1 your apartment account, correct?

2 A. Can I add something to answer the
3 question?

4 Q. Can you do what, I'm sorry?

5 A. Can I add an additive to it? Yeah,
6 correct, but also Duke sent to me through lawyers in
7 Cincinnati, I got it Tuesday, declaring they overpaid
8 me. I mean, I don't pay Duke. Now, this is like 10,
9 12, 14 pages, 15 pages thick, and it's a lawyer firm
10 in Cincinnati.

11 MR. MC MAHON: Let me -- If I may
12 approach?

13 ATTORNEY EXAMINER: Please go ahead.

14 MR. MC MAHON: I believe your Honor has a
15 copy. I'm going to hand you what's been submitted
16 filed of record is the Direct Testimony of Melissa
17 Coffman.

18 ATTORNEY EXAMINER: I do have that, yes.

19 THE WITNESS: It says I did overpay this,
20 doesn't it?

21 Q. (By Mr. Mc Mahon) I'm handing you what's
22 been marked as Duke Energy Ohio Exhibit A. It's
23 entitled the Direct Testimony of Melissa Coffman. Is
24 that what you're referring to as what you received
25 from Duke Energy's attorneys from Cincinnati on or

1 about Tuesday of this week?

2 A. I believe so.

3 Q. Excuse me?

4 A. I believe so. I mean, it got here
5 Tuesday.

6 Q. I understand.

7 A. I got something like this, yes.

8 Q. Well, that is what you got in the mail,
9 correct?

10 A. I wouldn't swear to it, but I believe it
11 is. I won't say a definite yes or no. I'm not sure,
12 but it looks like it. I mean, this is office work
13 and -- I'm not an office person. Can I say
14 something? I just opened this up and --

15 ATTORNEY EXAMINER: For the record,
16 Mr. Peterson is referring to Duke Energy Ohio Exhibit
17 A.

18 THE WITNESS: May I show this to you,
19 sir?

20 MR. MC MAHON: Well, there's no question
21 pending, your Honor.

22 ATTORNEY EXAMINER: Yeah, Mr. Peterson,
23 we'll do this --

24 THE WITNESS: Change this?

25 ATTORNEY EXAMINER: No. Oh, no.

1 Mr. Peterson, this is an Exhibit that Duke will be
2 introducing into evidence, and their witness, Melissa
3 Coffman, will be up in the witness stand fairly soon
4 to speak about it. So if you have questions about
5 that document, please wait until Miss Coffman is up
6 in the witness stand.

7 THE WITNESS: Yes, I have one comment. I
8 have a problem with a disability that is inherent to
9 my back. I took three hours total getting up here.
10 I've been in here about 45 minutes. That's about my
11 limit when I need some kind of restful ease on it. I
12 need 10 or 15 minutes if that would be possible.

13 ATTORNEY EXAMINER: You're saying you
14 want to pause for a few minutes?

15 THE WITNESS: Yeah, my back is -- and
16 it's --

17 MR. MC MAHON: I have no objection, your
18 Honor.

19 ATTORNEY EXAMINER: Thank you,
20 Mr. McMahan. We'll go off the record for a minute.

21 (Recess taken.)

22 ATTORNEY EXAMINER: Back on the record,
23 please.

24 MR. MC MAHON: May I approach?

25 ATTORNEY EXAMINER: Yes, you can,

1 certainly.

2 Q. (By Mr. Mc Mahon) Mr. Peterson, I've
3 handed you what's been marked as Exhibit MC-1a. Do
4 you see that in the lower right-hand corner?

5 ATTORNEY EXAMINER: Down in the
6 right-hand corner of the page.

7 THE WITNESS: Yeah, MC-1a.

8 Q. (By Mr. Mc Mahon) And this is a copy of
9 the Duke Energy bill to you for your apartment at
10 3944 Roosevelt Boulevard in Middletown, Ohio which
11 was prepared on January 13th, 2014, correct?

12 A. Correct.

13 Q. Okay.

14 A. That's correct, backpayment or
15 reimbursement.

16 Q. As you look in the box, see this one
17 right here that says current billing --

18 A. Yeah.

19 Q. -- and there are three payment
20 corrections there in the amount of \$125.74, \$108.27
21 and \$117, those are the three things that you were
22 referring to before as the reimbursements, correct?

23 A. Correct, yes.

24 Q. And with respect to the garage account
25 that was previously in your name, you have gotten

1 full credit for all payments that you made toward
2 that account, correct?

3 A. Correct, to date.

4 Q. And all of that happened by roughly
5 January 13th or so, 2014, correct?

6 A. Correct.

7 MR. MC MAHON: That's all I have.

8 ATTORNEY EXAMINER: Thank you,
9 Mr. McMahon. Mr. Peterson.

10 THE WITNESS: Yes, sir.

11 ATTORNEY EXAMINER: You can take your
12 seat for the time being, and we'll give Duke an
13 opportunity to present their case. And if you have
14 any questions for them, you can ask questions after
15 they're finished with their testimony and such, okay?

16 THE WITNESS: These are the bills you
17 gave -- you sent me, correct? These are the bills
18 you sent me that I paid, what you just handed me?

19 MR. MC MAHON: Duke Energy Ohio Exhibit A
20 is the written testimony of Melissa Coffman and
21 attached to that testimony are your bills for your
22 apartment and the garage, correct.

23 THE WITNESS: Okay.

24 ATTORNEY EXAMINER: Thank you,
25 Mr. Peterson. Mr. McMahon, would you like to proceed

1 with your case?

2 MR. MC MAHON: Yes, your Honor, I would
3 like to call Melissa Coffman to the stand, please.

4 ATTORNEY EXAMINER: Miss Coffman, raise
5 your right hand, please.

6 (Witness placed under oath.)

7 ATTORNEY EXAMINER: Mr. McMahan, please
8 continue.

9 - - -

10 MELISSA COFFMAN

11 being first duly sworn, as prescribed by law, was
12 examined and testified as follows:

13 DIRECT EXAMINATION

14 By Mr. Mc Mahon:

15 Q. Just for the record, could you please
16 state your full name and your title.

17 A. Melissa Coffman, Consumer Affairs
18 Specialist.

19 Q. Miss Coffman, I've handed you what's been
20 marked as Duke Energy Ohio Exhibit A, correct?

21 A. Yes.

22 Q. Are you familiar with that document?

23 A. Yes, I am.

24 Q. Okay. Duke Energy Ohio Exhibit A is your
25 Direct Testimony in these proceedings, correct?

1 A. Yes.

2 Q. And I see this is dated May 14th, 2015?

3 A. Yes.

4 Q. You assisted in the preparation of your
5 Direct Testimony, correct?

6 A. Correct.

7 Q. Did you review this testimony before it
8 was filed with the Commission?

9 A. I did.

10 Q. And was this testimony true and accurate
11 at the time of its filing?

12 A. Yes.

13 Q. And does it remain true and accurate as
14 of today?

15 A. Yes.

16 Q. Let me ask you -- I'm going to hand you
17 now what's been marked previously as Exhibit MC-1a.
18 Could you identify what that document is, please?

19 A. This is the billing that was prepared in
20 January.

21 ATTORNEY EXAMINER: Just a minute,
22 Miss Coffman. Mr. Peterson?

23 MR. PETERSON: Do I get in the witness
24 stand again?

25 ATTORNEY EXAMINER: Yes, you'll have an

1 opportunity, we can do that later, but this is
2 Miss Coffman's opportunity right now. Go ahead,
3 please.

4 THE WITNESS: This is billing for
5 Mr. Peterson's residential account, the apartment
6 account that was prepared on January 13th, 2014.

7 Q. (By Mr. Mc Mahon) Okay. And could you
8 explain -- Well, first of all, I guess we realized
9 when we were off the record that this bill was
10 inadvertently not included as part of Exhibit MC-1 to
11 your written testimony, correct?

12 A. Correct.

13 Q. But there is other information in your
14 testimony, the spreadsheets and such, that relates to
15 this bill, correct?

16 A. Yes.

17 Q. Could you explain to the Court, please,
18 what's reflected in the current billing box with
19 respect to the payments and credits?

20 A. Yes. In the current billing box on the
21 billing statement, there are three payments that Duke
22 Energy, they show as payment corrections. Those
23 three payments, \$125.74, \$108.27 and \$117, all three
24 of those payments were -- initially had been paid to
25 Mr. Peterson's account that originally was in his

1 name at a garage.

2 Q. Those were the payments that Mr. Peterson
3 had made to the Company?

4 A. Correct.

5 Q. And the Company then moved them over to
6 his apartment once this issue was discovered on or
7 about January 13th, 2014?

8 A. Yes, correct.

9 Q. And as is already reflected in your
10 written testimony, if we looked into the
11 corresponding bill from the garage account in Exhibit
12 MC-2 to your testimony, we would see those same
13 numbers coming from the garage account to the
14 residential apartment account?

15 A. Yes, correct.

16 MR. MC MAHON: I guess, at this time,
17 your Honor, Duke would move for the -- to have
18 Exhibit A and the newly identified Exhibit MC-1a into
19 the record.

20 ATTORNEY EXAMINER: Okay. Mr. Peterson,
21 do you have any objection to --

22 MR. PETERSON: May I see what he's
23 talking about?

24 ATTORNEY EXAMINER: Well, it's what you
25 have right there.

1 MR. PETERSON: What I have here?

2 ATTORNEY EXAMINER: Do you have any
3 objection?

4 MR. PETERSON: No objection on any of
5 that.

6 ATTORNEY EXAMINER: Mr. Peterson has no
7 objections, so we'll admit that into evidence.

8 MR. MC MAHON: Thank you, your Honor.

9 (DUKE ENERGY EXHIBITS A, MC-1, MC-2 AND
10 MC-1a ADMITTED INTO EVIDENCE.)

11 ATTORNEY EXAMINER: Mr. McMahon, before
12 you go further, Miss Coffman, I just had a question.
13 On Exhibit MC-1a, on the current bill, you pointed
14 out those three payment corrections?

15 THE WITNESS: Yes.

16 ATTORNEY EXAMINER: Those were for -- Was
17 it for, what, three prior months worth of payments
18 that Mr. Peterson made, I guess? That is, this bill
19 is from -- Let's go off the record for a minute.

20 (Off the record.)

21 ATTORNEY EXAMINER: We'll go back on the
22 record. Exhibit MC-1a indicates the bill was
23 prepared January 13th of 2014. Miss Coffman, I just
24 wanted to know, those three payment corrections that
25 are listed under the current billing, were those

1 payments that were made by Mr. Peterson to -- I guess
2 apparently not to his residential account, those
3 payments were made during, what does it say,
4 December, November and October or something of the
5 prior year?

6 THE WITNESS: Well, that would be true
7 that these three payments were made to the account
8 listed as the garage that was under his name.

9 ATTORNEY EXAMINER: And that covered,
10 what, three prior months, I guess, in 2013?

11 THE WITNESS: Yes, that's correct, and
12 those three bills would also be listed in the
13 testimony.

14 ATTORNEY EXAMINER: Okay. All right.
15 Thank you. Mr. McMahon.

16 Q. (By Mr. Mc Mahon) Just to follow up on
17 his Honor's questions, the bills, Miss Coffman, that
18 you were just referring to for the garage account,
19 those would be included in MC-2 to your testimony?

20 A. Yes, that would be correct.

21 Q. Okay.

22 MR. MC MAHON: At this time, your Honor,
23 I have no further questions from Miss Coffman.

24 ATTORNEY EXAMINER: All right. Thank
25 you. Mr. Peterson, do you have any questions for the

1 witness?

2 - - -

3 CROSS-EXAMINATION

4 By Mr. Peterson:

5 Q. The one thing I would like to know is why
6 do people pay bills?

7 ATTORNEY EXAMINER: Can you say that --

8 Q. (By Mr. Peterson) Why do people pay
9 bills?

10 ATTORNEY EXAMINER: What does that have
11 to do with your particular situation?

12 MR. PETERSON: I pay my bills.

13 ATTORNEY EXAMINER: Do you have a
14 question for the witness, though?

15 Q. (By Mr. Mc Mahon) Well, the question is,
16 you wrote what you see here and you read, right?
17 What is in this Exhibit MC-1a is what was handed to
18 me as bills, correct?

19 A. That would be correct, yes.

20 MR. PETERSON: Okay. Am I -- I'm allowed
21 a return rebuttal, am I not?

22 ATTORNEY EXAMINER: You're allowed to ask
23 the witness questions. After you're finished with
24 your questions for the witness, we can have you go on
25 the witness stand again and make whatever statements

1 you want to make about your own case.

2 MR. PETERSON: Thank you.

3 ATTORNEY EXAMINER: But do you have any
4 more questions for the witness?

5 MR. PETERSON: No.

6 ATTORNEY EXAMINER: Okay. All right.
7 Miss Coffman, I have no more questions for you at
8 this time. You can take your seat. You will still
9 be under oath, so I may ask you some further
10 questions.

11 Mr. Peterson, if you would like to come
12 back up here, please.

13 - - -

14 LARRY W. PETERSON
15 having previously been sworn, as prescribed by law,
16 was examined and testified as follows:

17 DIRECT TESTIMONY

18 ATTORNEY EXAMINER: Mr. Peterson, what
19 other comments do you have to add beyond what you
20 said earlier?

21 THE WITNESS: I can partially show a
22 definite increase in my bills from what is in this
23 material.

24 ATTORNEY EXAMINER: All right. What are
25 you -- What do you want to point to in particular?

1 THE WITNESS: Starting from, let's see,
2 it's in the back of the bills. I believe they're at
3 the bottom. Yeah, for instance --

4 ATTORNEY EXAMINER: Which bill are you
5 looking at in particular, Mr. Peterson?

6 THE WITNESS: Well, yeah....

7 ATTORNEY EXAMINER: For example, if you
8 look under where it says Account Information.

9 THE WITNESS: August 20th to
10 September 6th.

11 ATTORNEY EXAMINER: It says the bill
12 prepared September 9, 2013.

13 THE WITNESS: Yeah.

14 ATTORNEY EXAMINER: So let me get to that
15 page. Okay, that's the first page of Exhibit MC-1.

16 THE WITNESS: You see 498 kilowatts.

17 ATTORNEY EXAMINER: All right.

18 THE WITNESS: Okay, they billed me 59.91
19 for 498 kilowatts.

20 ATTORNEY EXAMINER: Okay.

21 THE WITNESS: That's their opening
22 statement, whatever, at that price. September to
23 October of 2013, September 6th to October 7th.

24 ATTORNEY EXAMINER: You're referring then
25 to this would be the third page of Exhibit MC-1 and

1 it is a bill that says reading date September 6th to
2 October 7th, and it also says under Account
3 Information, bill prepared October 8th, 2013.

4 THE WITNESS: They show usage 1,270
5 kilowatts. The amount of money, \$139.43. Now,
6 there's a couple others in there basically the same.
7 I can go through it and I can find them, but that is
8 what -- Okay, here is December 2nd, 2013 --
9 December 2nd, 2013, my kilowatts is 2,030 --

10 ATTORNEY EXAMINER: Mr. Peterson, okay,
11 for the record, again, you're referring to the bill
12 that actually up in the upper right corner it says
13 Disconnect Notice, due date September 2nd, 2013, and
14 that is a bill, according to Account Information
15 category it was prepared November 6th of 2013. I
16 just wanted to make it clear for the record what you
17 were looking at.

18 THE WITNESS: Okay, it says Disconnect
19 Notice. Did I not pay my bill? Why is there a
20 Disconnect Notice?

21 ATTORNEY EXAMINER: You're referring to
22 what's called Disconnect Notice, but --

23 THE WITNESS: Referring to the whole
24 bill.

25 ATTORNEY EXAMINER: But apparently what

1 you were saying is, if I'm understanding you
2 correctly, you were trying to point out some increase
3 in the bills from one month to the next during this
4 period of time?

5 THE WITNESS: (Nods head.)

6 ATTORNEY EXAMINER: And you're nodding
7 your head yes. Can you say... Okay, I just want to
8 make sure you're communicating to the court reporter
9 what you're trying to say here.

10 THE WITNESS: Yes, sir.

11 ATTORNEY EXAMINER: You're looking at the
12 bill, it says Disconnect Notice, December 2nd, 2013,
13 and by going through these first few pages of Exhibit
14 MC-1, if you could indicate yes or no, you were
15 trying to indicate an increase in the amount of the
16 bills; am I correct?

17 THE WITNESS: Correct. The usage was
18 2,039 kilowatt hours. Now, this is October to
19 November of 2013, okay.

20 MR. MC MAHON: Your Honor, I guess I
21 would object to this testimony as improper rebuttal.
22 All Mr. Peterson is doing is confirming the numbers
23 that are already reflected in the Duke Energy bills
24 that have been admitted into evidence, and he's
25 already admitted during his Direct Testimony that he

1 does not have any evidence to support his claim as to
2 what his actual electric usage was versus what was
3 billed. He's already rested his case with that
4 admission, so this rebuttal testimony is improper.

5 ATTORNEY EXAMINER: With the admission of
6 this into evidence?

7 MR. MC MAHON: Well, no, his admission
8 that he does not have any evidence to support his
9 claim about his actual usage versus what was billed
10 on his account.

11 ATTORNEY EXAMINER: I'll overrule that
12 objection. I think this does indicate during the
13 period of time that Mr. Peterson is discussing an
14 increase in the amount of bills for one month to the
15 next. My question for Mr. Peterson again would be
16 this, though, Mr. Peterson, you point to this to as
17 one month to the next as an increase in kilowatt
18 hours, and though we also have an Exhibit MC-1a, an
19 indication that you did receive some credits back
20 from Duke, my question would be: Do you feel the
21 credits you received were insufficient? You know,
22 why do you feel that -- Why do you feel the amount
23 represented on these bills is incorrect?

24 And you've indicated you do have
25 electric heat. Do you have anything with you at all

1 to indicate that after these credits were applied by
2 Duke, that the billing was still incorrect in some
3 way?

4 THE WITNESS: September to October -- By
5 their own bill, October/September -- I moved in
6 September. October and November bills are there.
7 They have then immediately in December of 2013 when I
8 put in my Complaint of being overcharged, I have one
9 here for nearly 5,000 kilowatt hours over 8-, 900,000
10 kilowatt hours the prior two or three months. That's
11 right in these.

12 ATTORNEY EXAMINER: Mr. Peterson, I guess
13 what I'm trying to ask would be this: Your Complaint
14 focused on the fact that you were billed, according
15 to what you wrote in the Complaint, a storage room
16 and garage, and yet you lived in -- it says you rent
17 the upstairs of this apartment, okay. So you're
18 indicating in your Complaint that you were billed for
19 a part of this building different than where you
20 lived, all right.

21 Now, Duke Exhibit MC-1a indicates you
22 did receive some credits back from Duke, and the
23 testimony of their witness, Miss Coffman, indicates
24 that those credits were for -- apparently they were
25 related to the billing for what's called the garage

1 account, and that was when the error was discovered
2 because you had alerted them to it. They applied
3 those credits to your residency account, your
4 apartment where you live.

5 THE WITNESS: (Nods head.)

6 ATTORNEY EXAMINER: You're nodding your
7 head yes you agree with that?

8 THE WITNESS: Yes. I don't know what to
9 say. That's right in proof right there. I'm
10 disagreeing with the amounts.

11 ATTORNEY EXAMINER: Well, the thing is,
12 the focus in the Complaint, the Complaint centered
13 around the incorrect billing, that is, that you were
14 billed for a place that you were not living in, okay.
15 So anything -- I'll ask this question: Do you feel
16 that the billing for a part of your building that you
17 were not living in, do you feel that that has been
18 corrected just for the -- that you were being billed
19 for a part of your building --

20 THE WITNESS: The overpayment that I
21 paid, they did apply to my account, yes.

22 ATTORNEY EXAMINER: So let's make sure
23 I'm understanding you correctly then. Your bill
24 focused on that you were billed for a part of the
25 building that you were not living in. You lived in a

1 different part of the building. The bill was for a
2 garage, apparently, storage room and garage, and you
3 actually were renting the upstairs of the building.

4 And you're saying that Duke, when the
5 error was discovered that you were making payments
6 and the bill was -- the payments were being applied
7 to this garage, you're indicating that Duke did --
8 once you called this to their attention, they did
9 take those payments from the garage account and apply
10 it to your residential account; am I right about
11 that?

12 THE WITNESS: Yes.

13 ATTORNEY EXAMINER: Okay. So with that
14 in mind then, was there -- was there anything related
15 to that specific Complaint that you wanted to
16 mention, anything more you had to say?

17 I mean, if you feel that the amount --
18 If you feel that the amount you were being billed for
19 your residential account was too high, that would
20 have to be the subject of a different Complaint,
21 okay. Your Complaint here was on this garage.

22 THE WITNESS: Granted, granted. I'm not
23 arguing with that point.

24 ATTORNEY EXAMINER: So what you're
25 indicating then is you feel that Duke made the

1 corrections that were needed, and any payments that
2 had been applied to that garage were later applied
3 to -- I guess, according to Exhibit MC-1a, those
4 payments were later applied to your residential
5 account?

6 THE WITNESS: Yes, I -- Yes.

7 ATTORNEY EXAMINER: You're agreeing to
8 that, okay. I just wanted to make clear we're on the
9 same page. So any other thoughts that you would
10 have, you were mentioning you felt that for your
11 residential account, you were overbilled. Am I right
12 about that?

13 THE WITNESS: (Nods head.) Yes.

14 ATTORNEY EXAMINER: That would actually
15 have to be the subject of a different Complaint.
16 We'll go off the record for a minute.

17 (Off the record.)

18 ATTORNEY EXAMINER: Let's go back on the
19 record. Mr. Peterson, do you have any more thoughts
20 on the matter of being billed to a place you were not
21 living in? Do you have any more thoughts on that?

22 THE WITNESS: No.

23 ATTORNEY EXAMINER: You don't have any
24 more thoughts on that, okay. Mr. McMahon, did you
25 have any more questions for Mr. Peterson?

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MR. MC MAHON: No, your Honor.

ATTORNEY EXAMINER: Okay. I don't believe I have any more questions either. Having said that, as we mentioned earlier, the Exhibit from Duke will be admitted into evidence, and we will close the proceedings for today. Thank you.

MR. MC MAHON: Thank you.

(The hearing was concluded at 11:20 a.m.)

- - -

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, May 21, 2015,
and carefully compared with my original stenographic
notes.

Cynthia L. Cunningham

- - -

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Case No(s). 14-0744-EL-CSS

Summary: Transcript in the matter of Larry Peterson vs. Duke Energy Ohio, Inc. hearing held on 05/21/15 electronically filed by Mr. Ken Spencer on behalf of Armstrong & Okey, Inc. and Cindy Cunningham