

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

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In the Matter of the :  
Application of The Dayton :  
Power and Light Company :  
to Establish a Standard : Case No. 16-395-EL-SSO  
Service Offer in the Form :  
of an Electric Security :  
Plan. :

In the Matter of the :  
Application of The Dayton :  
Power and Light Company : Case No. 16-396-EL-ATA  
for Approval of Revised :  
Tariffs. :

In the Matter of the :  
Application of The Dayton :  
Power and Light Company : Case No. 16-397-EL-AAM  
for Approval of Certain :  
Accounting Authority. :

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PROCEEDINGS

before Mr. Bryce McKenney, Attorney Examiner, and  
Commissioner Howard Petricoff, at the Dayton  
Municipal Building, Council Chambers, Second Floor,  
101 West Third Street, Dayton, Ohio, called at  
6:00 p.m. on Tuesday, September 27, 2016.

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APPEARANCES:

Faruki Ireland & Cox, PLL  
By Mr. Charles J. Faruki  
and Mr. Jeffrey S. Sharkey  
110 North Main Street, Suite 1600  
Dayton, Ohio 45402

The Dayton Power and Light Company  
By Mr. Michael J. Schuler  
Regulatory Counsel  
1065 Woodman Drive  
Dayton, Ohio 45432

On behalf of The Dayton Power and Light  
Company.

Bruce J. Weston, Consumers' Counsel  
By Mr. Andrew Garver  
10 West Broad Street, Suite 1800  
Columbus, Ohio 43215-3485

On behalf of the Residential Consumers of  
The Dayton Power and Light Company.

Advocates for Basic Legal Equality, Inc.  
By Mr. Ellis Jacobs  
130 West Second Street, Suite 700 East  
Dayton, Ohio 45402

On behalf of the Edgemont Neighborhood  
Coalition.

Utility Workers Union of America  
AFL-CIO Local 175  
By Mr. Greg Adams  
2307 Embury Park Road  
Dayton, Ohio 45414

On behalf of the Utility Workers Union of  
America, Local 175.

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1 Tuesday Evening Session,  
2 September 27, 2016.

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4 EXAMINER McKENNEY: Let's go on the  
5 record. Good evening. The Public Utilities  
6 Commission of Ohio calls for hearing -- public  
7 hearing at this time and place Case No. 16-395-EL-SSO  
8 being In the Matter of the Application of The Dayton  
9 Power and Light Company to Establish a Standard  
10 Service Offer in the Form of an Electric Security  
11 Plan.

12 As I mentioned previously, my name is  
13 Bryce McKenney, and I'm an Attorney Examiner assigned  
14 by the Commission to hear this case. Also with us  
15 this evening is Commissioner Howard Petricoff, who is  
16 sitting next to me here.

17 I'd like to thank everyone for coming  
18 this evening.

19 At this time, I'd like to take the  
20 appearances of the intervening parties that are here.  
21 I'll start with the Company.

22 MR. FARUKI: Thank you, your Honor.  
23 Charles Faruki from Faruki Ireland & Cox. I'm  
24 Counsel of Record for The Dayton Power and Light  
25 Company. With me also is my partner, Jeffrey

1 Sharkey. And also Michael Schuler, who is in-house  
2 counsel with the Company, and on the papers as well.  
3 Thank you.

4 EXAMINER McKENNEY: Thank you.  
5 Yes, sir.

6 MR. GARVER: Andrew Garver on behalf of  
7 the Ohio Consumers' Counsel and DP&L's 455,000  
8 residential utility customers.

9 EXAMINER McKENNEY: Thank you.

10 MR. JACOBS: My name is Ellis Jacobs.  
11 I'm an attorney at Advocates for Basic Legal  
12 Equality, and I'm here on behalf of the Edgemont  
13 Neighborhood Coalition.

14 EXAMINER McKENNEY: Thank you,  
15 Mr. Jacobs.

16 MR. JACOBS: Thank you.

17 MR. ADAMS: Greg Adams from the Utility  
18 Workers Union of America, Local 175, out of Dayton,  
19 Ohio. I represent the employees of DP&L.

20 EXAMINER McKENNEY: Thank you.

21 As I mentioned briefly before, the  
22 purpose of this evening's public hearing is to  
23 receive comments from the public on the application  
24 filed by The Dayton Power and Light Company. This is  
25 not a question-and-answer session, but it is your

1 opportunity to let the Commission know what you think  
2 about DP&L's application in this case.

3 The local public hearings are only one  
4 aspect of the process. There will also be an  
5 evidentiary hearing for the parties to present their  
6 case to the Commission.

7 When you arrived, you were offered the  
8 opportunity to sign up to testify. After I finish  
9 with this introduction, I will begin calling the  
10 witnesses forward that have signed up to testify and  
11 ask you to come to the table and face the court  
12 reporter.

13 The first name I have on this list is  
14 Mary Sue Gmeiner.

15 Please raise your right hand.

16 (Witness sworn.)

17 EXAMINER McKENNEY: You may proceed.

18 - - -

19 MARY SUE GMEINER

20 being first duly sworn, as prescribed by law,  
21 testified as follows:

22 DIRECT TESTIMONY

23 MS. GMEINER: My name is Mary Sue  
24 Gmeiner. I live on Arbor Avenue in Dayton. I was  
25 here -- I came here originally to protest the

1 coal-bailout rider, which I understand now has been  
2 withdrawn, so my remarks are a little more general.

3 But I would oppose any kind of coal  
4 bailout or any support of -- any extra support of the  
5 coal-fired power plants. And I would oppose this on  
6 three levels.

7 One, at a personal level. I'm retired.  
8 I'm on a fixed income. I'm already being as careful  
9 as I can with my electricity use. And I also choose  
10 the green energy option so that all of my electricity  
11 is coming from solar, wind, geothermal, and I do that  
12 in spite of any possible higher cost because I firmly  
13 believe that climate change is real, it's here, and  
14 we need to pay attention to it, and we need to move  
15 away from fossil fuels as quickly as possible

16 At a second level really is at a national  
17 level. And I would point out that the U.S. military  
18 has determined that climate change is a serious  
19 national security threat; they've made that clear.  
20 And so, again, we need to turn away from coal, we  
21 need to move away from coal and other fossil fuels as  
22 quickly as possible.

23 And finally, on a moral level. We find  
24 that coal is damaging our air; it's damaging our  
25 water. And most importantly this impacts the poor

1 the most; those people who can't move away from the  
2 poor quality air and so on.

3 So as a member of a faith community, as a  
4 member of Ohio Interfaith Power and Light, I would  
5 encourage the PUCO to look at anything that can  
6 improve our use of renewable energy and move away  
7 from coal. Thank you.

8 EXAMINER McKENNEY: Thank you.

9 The next name I have is Lynn Buffington.  
10 I'll ask you to just briefly raise your  
11 right hand.

12 (Witness sworn.)

13 EXAMINER McKENNEY: Thank you.

14 - - -

15 LYNN BUFFINGTON

16 being first duly sworn, as prescribed by law,  
17 testified as follows:

18 DIRECT TESTIMONY

19 MS. BUFFINGTON: So my name is Lynn  
20 Buffington. I live in Beavercreek, Ohio. So the  
21 next county over, but still in the greater Dayton  
22 area.

23 And I'm here specifically because of  
24 coal, not fossil fuels in general, but coal. I'm  
25 concerned about the fact that we need to decrease our



1 use of coal, whether that slack is taken up by other  
2 fossil fuels or other forms of energy such as  
3 renewables. And so, therefore, I'm opposed to any --  
4 whether you want to call it a bailout of coal, or  
5 extra subsidy of coal, or rate hikes which therefore  
6 enable older coal generating plants to stay open, I'm  
7 just opposed to anything that helps us keep coal in  
8 our mix of electricity sources.

9 And the reasons for that, the previous  
10 person mentioned climate change; that's one of the  
11 reasons. I want to say maybe a little bit more about  
12 that. Some people think of climate change, they  
13 think of tree huggers or environmentalists, and I  
14 would like to mention that it goes way beyond that.

15 If you look at mainstream industries like  
16 the property insurance industry or realtors, they  
17 have been writing position papers and planning papers  
18 about the impact of climate change on their  
19 industries.

20 And so, coal is a -- for a certain amount  
21 of energy, I'm sure most people know, to get a  
22 certain amount of energy from coal contributes more  
23 to climate change, to global warming, to carbon  
24 dioxide gases than does another type of fossil fuel  
25 to get that same amount of energy.

1           So there's big expenses. A vast majority  
2 of us, whether we care about the habitat for a rare  
3 species, the vast majority of Americans do care about  
4 their property tax premiums and their property tax  
5 deductibles and all these things are predicted to go  
6 up because of climate change, and I'm sure that most  
7 citizens would like them to go up less.

8           Another factor is the money that our  
9 government needs to spend for natural disasters. An  
10 example is Hurricane Sandy. We know climate change  
11 did not cause Hurricane Sandy, but it made the  
12 effects worse, it made the loss of property worse,  
13 the suffering of people worse, because when you have  
14 sea level that's higher, then any kind of storm surge  
15 is much worse, it has a much bigger effect. So this  
16 is something that all taxpayers pay for. And so, I'm  
17 concerned about the impact of coal on the functioning  
18 of our government and our government expenses.

19           And finally, the last thing I would  
20 mention was mentioned previously is the health  
21 effects of burning coal. My husband is a physician.  
22 He's a pediatric specialist. He doesn't specifically  
23 treat children because of their asthma, but asthma is  
24 so on the rise these days that he treats plenty of  
25 patients who do have asthma. And the particulates

1 that come from burning coal have a big impact on  
2 asthma, whether it's childhood or adult.

3 And so, just to summarize, we shouldn't  
4 be doing anything that helps us keep burning coal.  
5 Thank you.

6 EXAMINER McKENNEY: Thank you.

7 Are you prepared? Would you like to  
8 testify?

9 MS. JEFFERS-TRACY: Yes.

10 EXAMINER McKENNEY: Would you like a  
11 minute?

12 MS. JEFFERS-TRACY: No. I'm good.

13 EXAMINER McKENNEY: Are you ready? Are  
14 you sure?

15 MS. JEFFERS-TRACY: Uh-huh.

16 EXAMINER McKENNEY: Okay. I'll ask you  
17 to raise your right hand.

18 (Witness sworn.)

19 EXAMINER McKENNEY: You may proceed.

20 MS. JEFFERS-TRACY: Sorry, I didn't read  
21 this first; I should have.

22 EXAMINER McKENNEY: Would you like a  
23 minute? I know you just walked in.

24 MS. JEFFERS-TRACY: Yeah.

25 EXAMINER McKENNEY: Okay. Let's go off

1 the record real quick. You can take a minute.

2 (Off the record.)

3 EXAMINER McKENNEY: We can go back on the  
4 record.

5 Okay. You may proceed.

6 - - -

7 KAREN JEFFERS-TRACY

8 being first duly sworn, as prescribed by law,  
9 testified as follows:

10 DIRECT TESTIMONY

11 MS. JEFFERS-TRACY: My name is Karen  
12 Jeffers-Tracy. I'm from Fairborn. And I just wanted  
13 to say that it's really important that we not put our  
14 money and our investments in old infrastructure,  
15 because we need a new way and we need to think about  
16 the future. The future is not in old coal plants and  
17 old ways of making energy. And even our energy usage  
18 needs to change.

19 And I think if it's put before the  
20 American people, they would be willing to change. I  
21 think if it's put -- I mean, we accept the science of  
22 climate change, and a lot of people are confused  
23 about that, but if we stick with simply the science,  
24 there's exaggeration on both sides, but science tells  
25 us we need to change our way of life to use less

1 energy, and we need to change to renewable sources.

2 So I would be concerned that putting this  
3 kind of money towards reviving old infrastructure  
4 would not be -- would really not be fulfilling our  
5 responsibilities for the future.

6 EXAMINER MCKENNEY: Thank you.

7 Thank you, everyone. That concludes the  
8 list of names that I have to testify this evening.

9 Are there any questions that anyone else  
10 has or is there anyone else who would like to testify  
11 this evening?

12 (No response.)

13 EXAMINER MCKENNEY: I thank you all for  
14 coming.

15 Mr. Commissioner, did you have any words  
16 that you would like to make?

17 COMMISSIONER PETRICOFF: No, other than  
18 to thank you all again for coming out this evening.

19 EXAMINER MCKENNEY: Thank you.

20 At this time, we are adjourned.

21 (Thereupon, the public hearing concluded  
22 at 6:16 p.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, September 27, 2016, and carefully compared with my original stenographic notes.

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Carolyn M. Burke, Registered Professional Reporter, and Notary Public in and for the State of Ohio.

My commission expires July 17, 2018.

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

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**Case No(s). 16-0395-EL-SSO, 16-0396-EL-ATA, 16-0397-EL-AAM**

Summary: Transcript Evening - In the Matter of the Application of The Dayton Power and Light Company to Establish a Standard Service Offer in the Form of an Electric Security Plan; In the Matter of the Application of The Dayton Power and Light Company for Approval of Revised Tariffs and In the Matter of the Application of The Dayton Power and Light Company for Approval of Certain Accounting Authority, hearing held on September 17, 2016 at 6:00 p.m. electronically filed by Mr. Ken Spencer on behalf of Armstrong & Okey, Inc. and Burke, Carolyn