

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

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In the Matter of the :
Application of Island :
Waterworks, LLC for a : Case No. 17-201-WS-ACE
Certificate of Public :
Convenience and Necessity :

- - -

PROCEEDINGS

before Mr. L. Douglas Jennings, Attorney Examiner, at
the Public Utilities Commission of Ohio, 180 East
Broad Street, Room 11-C, Columbus, Ohio, called at
10:00 a.m. on Monday, March 26, 2018.

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APPEARANCES:

Mike DeWine, Ohio Attorney General
Public Utilities Section
By Mr. Thomas W. McNamee,
Assistant Attorney General
30 East Broad Street, 16th Floor
Columbus, Ohio 43215

On behalf of the Staff of the Public
Utilities Commission of Ohio.

Carpenter, Lipps & Leland, LLP
By Ms. Kimberly W. Bojko
280 North High Street, Suite 1300
Columbus, Ohio 43215

On behalf of Island Waterworks, LLC.

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1 Monday Morning Session,
2 March 26, 2018.

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4 EXAMINER JENNINGS: The Public Utilities
5 Commission of Ohio has scheduled for this time and
6 place a hearing In the Matter of the Application of
7 Island Waterworks, LLC for a Certificate of Public
8 Convenience and Necessity.

9 My name is Doug Jennings, I'm an Attorney
10 Examiner, and I've been assigned to preside over this
11 hearing.

12 As this point in the proceedings, I
13 request that the parties enter an appearance on the
14 record. Let's begin with the Company.

15 MS. BOJKO: Thank you, your Honor. On
16 behalf of Island Waterworks, LLC, Kimberly W. Bojko
17 with the law firm Carpenter Lipps & Leland, 240 North
18 High Street, Suite 1300, Columbus, Ohio 43215.

19 MR. McNAMEE: On behalf of the Staff of
20 the Public Utilities Commission of Ohio, Thomas W.
21 McNamee, Assistant Attorney General. The address is
22 30 East Broad Street, 16th floor, Columbus, Ohio
23 43215.

24 EXAMINER JENNINGS: Okay. And I believe
25 I omitted the case number in my initial comments.

1 The case number is 17-201-WS-ACE.

2 It's my understanding that the parties
3 have entered into a Stipulation?

4 MR. McNAMEE: Yes, your Honor. We have a
5 Stipulation that resolves all issues in the case. I
6 believe, at this point, Ms. Bojko has several
7 exhibits that she wanted to mark. I also have
8 several that I'll want to mark after she's done. And
9 we would also call one witness, John Berringer, to
10 testify to the whole thing.

11 EXAMINER JENNINGS: Okay. Let's begin
12 with the identification of exhibits.

13 MS. BOJKO: Thank you, your Honor.

14 As Mr. McNamee explained, the parties
15 have entered into a Joint Stipulation and
16 Recommendation for the Commission's consideration.
17 I'd like to mark that as Joint Exhibit 1.

18 EXAMINER JENNINGS: It shall be so
19 marked.

20 (EXHIBIT MARKED FOR IDENTIFICATION.)

21 MS. BOJKO: May I mark them all and then
22 bring them up to you, your Honor?

23 EXAMINER JENNINGS: Yes, that's fine.

24 MS. BOJKO: Also, per the Stipulation on
25 page 6, there are several exhibits that the parties

1 have agreed to. The next one is Company Exhibit 1
2 which is the Company's application that was filed in
3 this proceeding on January 20th, 2017, as well as
4 supplemental filings.

5 I have one correction to the Stipulation.
6 The second supplemental filing should be dated
7 April 18th instead of April 6th. Actually, I should
8 give you this. May I approach, your Honor?

9 EXAMINER JENNINGS: Yes.

10 MS. BOJKO: I apologize. So you may see
11 what I'm talking about.

12 Page 6. The supplemental filing should
13 be dated April 18th instead of April 6th.

14 EXAMINER JENNINGS: Okay. So noted.

15 MS. BOJKO: Also, at this time we would
16 like to mark as Company Exhibit 2, which is the
17 Company's Proof of Publication, and it was filed in
18 the docket on July 12th, 2017.

19 May I approach?

20 EXAMINER JENNINGS: Yes.

21 MS. BOJKO: And then I believe Staff has
22 a couple of exhibits, your Honor.

23 EXAMINER JENNINGS: Okay. The exhibits
24 will be marked as identified.

25 (EXHIBITS MARKED FOR IDENTIFICATION.)

1 MR. McNAMEE: And, your Honor, at this
2 time I would ask to have marked as Staff Exhibit 1,
3 the comments filed in this case, and I believe you
4 have a copy of those already.

5 As Staff Exhibit 2, we would have the
6 testimony of John L. Berringer. You have a copy of
7 that as well.

8 And, Kim, you already marked the stip,
9 right?

10 MS. BOJKO: I did, yes.

11 MR. McNAMEE: That's it for me. And at
12 this point we would call John Berringer to the stand.

13 EXAMINER JENNINGS: Okay. Staff's
14 exhibits will be marked as identified.

15 (EXHIBITS MARKED FOR IDENTIFICATION.)

16 EXAMINER JENNINGS: Raise your right
17 hand, please.

18 (Witness sworn.)

19 - - -

20 JOHN L. BERRINGER

21 being first duly sworn, as prescribed by law, was
22 examined and testified as follows:

23 DIRECT EXAMINATION

24 By Mr. McNamee:

25 Q. Mr. Berringer, could you state and spell

1 your name for the record, please.

2 A. My name is John L. Berringer. J-o-h-n L.
3 B-e-r-r-i-n-g-e-r.

4 Q. By whom are you employed and in what
5 capacity?

6 A. I am employed by the Public Utilities
7 Commission of Ohio as a Utility Specialist 2 in the
8 Rates and Analysis Department.

9 Q. What is your business address?

10 A. 180 East Broad Street, Columbus, Ohio
11 43215.

12 Q. Thank you, Mr. Berringer.

13 You should have three documents in front
14 of you, denominated for identification as Joint
15 Exhibit 1, Staff Exhibit 1, and Staff Exhibit 2. Do
16 you see those?

17 A. I see Staff Exhibit 1 and --

18 Q. Do you see the testimony of John L.
19 Berringer?

20 A. Yes, I do.

21 Q. And the Joint Stipulation and
22 Recommendation?

23 A. Yes, I do.

24 Q. Good. All right.

25 Turning first to Staff Exhibit 1. What

1 is it? Would that be the comments filed by the
2 Commission?

3 A. These would be the comments of the Staff
4 as filed to the Commission.

5 Q. Okay. Would those -- were you involved
6 in the preparation of those?

7 A. Yes, I was.

8 Q. Okay. Are the contents of those comments
9 true to the best of your knowledge and belief?

10 A. Yes, they are.

11 Q. Do any additions or corrections need to
12 be made to them?

13 A. No, there are no corrections or
14 additions.

15 Q. Okeydoke. Let's turn to Staff Exhibit 2,
16 the Testimony of John L. Berringer. Do you see that?

17 A. Yes, I do.

18 Q. Was that prepared by you or under your
19 direction?

20 A. It was prepared by me.

21 Q. Okay. Good. Are the contents of that
22 true and accurate to the best of your knowledge and
23 belief?

24 A. Yes, they are.

25 MR. McNAMEE: Your Honor, I would point

1 out that the testimony of Mr. Berringer addresses the
2 elements of the three-part test, so I won't go
3 through the exercise of asking him the three-part
4 test kinds of questions at this point in time.

5 Q. Are there any corrections that you need
6 to make to that document?

7 A. No, there are no corrections.

8 Q. Good. All right. Let's look at Joint
9 Exhibit 1. Do you recognize that?

10 A. Yes, I do.

11 Q. What is it?

12 A. It is a Joint Stipulation and
13 Recommendation between the Staff and the Company.

14 Q. Okay. And were you involved in the
15 creation of this document?

16 A. I was involved --

17 Q. In the negotiation?

18 A. -- in the negotiation process.

19 Q. Good. And this represents the agreement
20 between the Staff and the Company, yes?

21 A. Yes, it does.

22 Q. Good. Let's turn to page 4 of that. The
23 paragraph denominated A.3. Do you see that?

24 A. Yes.

25 Q. Okay. You see an amount of \$25,000

1 there?

2 A. Yes, I do.

3 Q. Okay. Does that mean \$25,000 total or
4 \$25,000 for each?

5 A. It means \$25,000 total.

6 Q. Okay. Great.

7 MR. McNAMEE: With that, I have no
8 further questions. I would ask to have Joint
9 Exhibit 1, Staff Exhibit 1, and Staff Exhibit 2
10 admitted, assuming that Ms. Bojko has no questions.

11 MS. BOJKO: No, I do not.

12 Your Honor, I'd only point out for the
13 record that the only two parties in the proceeding
14 were Staff and the Company, there are no intervenors,
15 and so the Joint Stipulation is unopposed.

16 EXAMINER JENNINGS: And let the record
17 also reflect that there is no one here from the
18 public.

19 I have just one housekeeping matter on
20 Staff Exhibit No. 2.

21 MR. McNAMEE: Yes.

22 EXAMINER JENNINGS: I notice that the
23 pages are not completely paginated.

24 MR. McNAMEE: They aren't?

25 EXAMINER JENNINGS: At least on my copy

1 there is page No. 5, but the others are not marked,
2 4, 3, 2, and 1. If we could --

3 MR. McNAMEE: That must be the way it's
4 filed, because I took this straight off of -- isn't
5 that odd. Huh. That must be the way the thing was
6 filed, because I got it straight off of DIS.

7 EXAMINER JENNINGS: Okay. If I could
8 paginate those with page 1 being the line 1 of
9 Mr. Berringer's testimony.

10 MR. McNAMEE: Sure.

11 EXAMINER JENNINGS: And proceed
12 accordingly.

13 MR. McNAMEE: Sure. Yeah, I'll do that
14 this morning. Isn't that odd. Okay. Sorry.

15 EXAMINER JENNINGS: With that, the
16 Company's and Staff's exhibits will be admitted into
17 the record.

18 (EXHIBITS ADMITTED INTO EVIDENCE.)

19 MS. BOJKO: Thank you.

20 MR. McNAMEE: Thank you, your Honor. I
21 believe that resolves everything in the case.

22 EXAMINER JENNINGS: If there's nothing
23 further, we are adjourned. Thank you.

24 (Thereupon, the proceedings concluded at
25 10:10 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 Monday, March 26, 2018, and carefully compared with my original stenographic notes.

Carolyn M. Burke

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

Commission of Ohio Docketing Information System on

4/9/2018 2:39:39 PM

in

Case No(s). 17-0201-WS-ACE

Summary: Transcript In the Matter of the Application of Island Waterworks, LLC for a Certificate of Public Convenience and Necessity, hearing held on March 26, 2018. electronically filed by Mr. Ken Spencer on behalf of Armstrong & Okey, Inc. and Burke, Carolyn