

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

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In the Matter of the :
Application of Vectren :
Energy Delivery of Ohio, : Case No. 18-0049-GA-ALT
Inc., for Approval of an :
Alternative Rate Plan. :

In the Matter of the :
Application of Vectren :
Energy Delivery of Ohio, : Case No. 18-0298-GA-AIR
Inc., for Approval of an :
Increase in Gas Rates. :

In the Matter of the :
Application of Vectren :
Energy Delivery of Ohio, : Case No. 18-0299-GA-ALT
Inc., for Approval of an :
Alternative Rate Plan. :

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PROCEEDINGS

before Mr. Gregory Price and Ms. Patricia Schabo,
Attorney Examiners, at the Public Utilities
Commission of Ohio, 180 East Broad Street, Room 11-C,
Columbus, Ohio, called at 2:17 p.m. on Monday,
January 7, 2019.

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APPEARANCES:

Whitt Sturtevant LLP
By Mr. Andrew J. Campbell
and Mr. Christopher T. Kennedy
88 East Broad Street, Suite 1590
Columbus, Ohio 43215

and

McNees, Wallace & Nurick LLC
By Mr. Matthew Pritchard
21 East State Street, Suite 1700
Columbus, Ohio 43215

On behalf of the Applicant.

Mike DeWine, Ohio Attorney General
By Mr. William Wright, Section Chief
and Mr. Werner L. Margard, III,
Assistant Attorney General
30 East Broad Street, 16th Floor
Columbus, Ohio 43215

On behalf of the Staff of the PUCO.

Calfee, Halter & Griswold LLP
By Mr. Trevor Alexander
and Mr. Steve Lesser
1200 Huntington Center
41 South High Street
Columbus, Ohio 43215

On behalf of the City of Dayton and Honda
of America Manufacturing, Inc.

Vorys, Sater, Seymour & Pease, LLP
By Mr. Michael Settineri
and Ms. Gretchen Petrucci
52 East Gay Street
Columbus, Ohio 43215

On behalf of the Retail Energy Suppliers
Association.

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APPEARANCES: (Continued)

Interstate Gas Supply, Inc.
By Mr. Michael A. Nugent
6100 Emerald Parkway
Dublin, Ohio 43016

On behalf of the Interstate Gas Supply,
Inc.

Environmental Law & Policy Center
By Ms. Madeline Fleischer
21 West Broad Street, 8th Floor
Columbus, Ohio 43215

On behalf of the Environmental Law &
Policy Center.

Ohio Partners for Affordable Energy
By Ms. Colleen Mooney
P.O. Box 12451
Columbus, Ohio 43212

On behalf of the Ohio Partners for
Affordable Energy.

Bruce J. Weston, Ohio Consumers' Counsel
By Mr. William Michael,
Assistant Consumers' Counsel
65 East State Street, 7th Floor
Columbus, Ohio 43215

On behalf of the Residential Customers of
Vectren Energy Delivery of Ohio, Inc.

Major Andrew J. Unsicker
139 Barnes Drive, Suite 1
Tyndall AFB, Florida 32407

On behalf of the Federal Executive
Agencies.

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Monday Afternoon Session,
January 7, 2019.

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EXAMINER PRICE: Let's go on the record.
The Public Utilities Commission has set
for hearing at this time and place Case No.
18-49-GA-ALT being in the Matter of the Application
of Vectren Energy Delivery of Ohio, Inc., for
Approval for an Alternate Rate -- Alternative Rate
Plan.

My name is Gregory Price. With me is
Patricia Schabo. We are the Attorney Examiners
assigned to preside over today's hearing.

Start by taking appearances starting with
the Company.

MR. CAMPBELL: Thank you, your Honor.
Andrew Campbell and with me is Christopher Kennedy,
law firm of Whitt Sturtevant, 88 East Broad Street,
Suite 1590, Columbus, Ohio 43215.

MR. PRITCHARD: Also as counsel for
Vectren, Matt Pritchard, law firm McNees, Wallace &
Nurick, 21 East State Street, Columbus, Ohio 43215.

MR. MARGARD: Thank you, your Honor. On
behalf of the Staff of the Public Utilities
Commission of Ohio, Mike DeWine, Ohio Attorney

General, William Wright, Section Chief of the Public Utilities Section, by Assistant Attorney General Werner L. Margard, 30 East Broad Street, 16th Floor, Columbus Ohio.

MR. MICHAEL: On behalf of Vectren Residential Utility Consumers, the Office of the Ohio Consumers' Counsel by Bill Michael.

MR. ALEXANDER: On behalf of the City of Dayton and Honda of America Manufacturing, Inc., the law firm of Calfee, Halter & Griswold, Trevor Alexander and Steve Lesser.

MS. MOONEY: On behalf of the Ohio Partners for Affordable Energy, Colleen Mooney.

MS. FLEISHER: On behalf of the Environmental Law & Policy Center, Madeline Fleischer, 21 East Broad Street, 8th Floor, Columbus Ohio 43215.

MR. NUGENT: On behalf of Interstate Gas Supply, Inc., Michael Nugent, 6100 Emerald Parkway, Dublin, Ohio 43016.

MR. SETTINERI: On behalf of the Retail Energy Supply Association, Mike Settineri and Gretchen Petrucci, with the law firm Vorys, Sater, Seymour & Pease, 52 East Gay Street, Columbus, Ohio.

MAJOR UNSICKER: Major Andrew Unsicker on

1 behalf of the Federal Executive Agencies. Our
2 address is 139 Barnes Drive, Tyndall Air Force Base,
3 Florida 32407.

4 EXAMINER PRICE: Thank you. Is that
5 everybody?

6 Okay. This hearing was scheduled to
7 commence today. On January 4 a stipulation was filed
8 in this proceeding among various parties as well as a
9 motion for a continuance requesting the hearing be
10 continued until January 28.

11 We had an extensive discussion off the
12 record, but at this time if OCC would care to present
13 its objections to the proposed schedule, you may
14 proceed.

15 MR. MICHAEL: Thank you, your Honor. As
16 we understand the proposed schedule, proponents of
17 the filed stipulation will be due the 17th of
18 January, Staff's testimony will be due the 22nd of
19 January, testimony in opposition to the stipulation
20 is to be filed the 28th of January, proponents of the
21 stipulation will testify at hearing on the 29th, and
22 then we will reconvene on the 19th of February for
23 opposition testimony to the proposed stipulation.

24 OCC objects to that schedule for a number
25 of different reasons. Predominantly we believe Ohio

1 consumers deserve a fair, full, adequate opportunity
2 to prepare for the case. The stipulation filed is
3 different than the application for a variety of
4 different reasons, first of which it will be
5 evaluated under a completely different standard than
6 the application would have been evaluated under.

7 We need sufficient time to conduct
8 discovery, both written and oral via deposition.
9 Some of the bigger issues that will require discovery
10 and analysis by consultants and formulation of
11 testimony are the -- is the treatment of the return
12 to consumers of the tax benefits passed under the
13 leadership of President Trump and then also the
14 change in the revenue requirement from the
15 application to the stipulation.

16 And in order for parties to adequately
17 prepare for the hearing, your Honor, OCC would
18 propose that opposition testimony be filed four weeks
19 after any testimony filed in support of the
20 stipulation, that discovery be limited to a seven-day
21 turnaround for responses to any written discovery,
22 and that a hearing occur no sooner than two weeks
23 after opposition testimony to the stipulation as
24 filed.

25 EXAMINER PRICE: Thank you.

1 Ms. Mooney, Ms. Fleisher, care to join?

2 MS. FLEISHER: I support the request for
3 a schedule that gives ample time to respond to the
4 proponents of the stipulation, and I will echo that
5 regardless of the schedule settled on, I think seven
6 days for discovery turnaround would be helpful to
7 ensure whatever time we do have we are able to use
8 productively.

9 EXAMINER PRICE: The Company, any
10 objection to a seven-day discovery turnaround?

11 MR. CAMPBELL: I don't have any objection
12 to the general time frame. I would request it be
13 stated five business day turnaround given that we do
14 have a three-day holiday in there to avoid
15 gamesmanship of trying to land things on the
16 three-day weekend or to take advantage of the
17 three-day weekend. That would be my one request.

18 EXAMINER PRICE: We will shorten it to --
19 we will shorten discovery turnaround to five business
20 days.

21 As Mr. Michael very capably summarized
22 the schedule we are about to rule on, Company
23 testimony will be filed in favor of the stipulation
24 on January 17. Staff will file its testimony in
25 favor of the stipulation as well as its other

1 testimony regarding the case on January 22.
 2 Proponent testimony will be due on January 28. We'll
 3 commence on January 29 in order to hear the Company's
 4 testimony in favor of the stipulation as well as
 5 Staff and any other parties' testimony in favor of
 6 the stipulation. We will reconvene on February 19,
 7 2019, to hear opponents' testimony to the stipulation
 8 as well as the remaining Staff testimony in support
 9 of the Staff Report.

10 There's nothing -- very little in the
 11 stipulation that goes outside the issues that were
 12 raised in the Company's application and the Staff
 13 Report. They have been subject to lengthy discovery
 14 and certainly -- certainly is time to move forward
 15 with this case. We do operate on a 275-day statutory
 16 deadline. Therefore, we will go forth with the
 17 schedule as I have outlined it.

18 You have one more issue?

19 EXAMINER SCHABO: Yeah. There are two
 20 pending motions. On December 18, Attorney Robert
 21 Kelter filed a motion to appear pro hac vice on
 22 behalf of the ELPC. Attorney Kelter's motion
 23 comports with the requirements set forth in Gov. Bar
 24 Rule 7 and is granted.

25 Additionally, on 12-28, 2018, Federal

1 Executive Agencies filed a motion for substitution
2 and excusal of counsel. Response time on that has
3 not yet passed. Are there any objections around the
4 room?

5 MR. PRITCHARD: Separate matter but not
6 on that one.

7 MR. CAMPBELL: No objection from the
8 Company.

9 EXAMINER SCHABO: Seeing no objections to
10 that, FEA's motion is also granted.

11 MR. PRITCHARD: And, your Honor, we do
12 have a pending motion to strike IGS and RESA
13 objections. I think those could just be held in
14 abeyance in perpetuity. We don't need those ruled
15 upon because RESA and IGS have joined the
16 stipulation. If for some reason that ever came
17 undone, we would reserve the right. They would have
18 their objections, and we would have our motion to
19 strike.

20 EXAMINER PRICE: We will defer ruling on
21 the motion to strike in perpetuity unless it
22 otherwise becomes necessary.

23 MR. SETTINERI: Your Honor, if I may,
24 procedurally does it make sense for a clean record
25 though to have those motions withdrawn subject to the

1 right to refile if the stipulation is undone at some
2 point?

3 EXAMINER PRICE: I think the record is
4 clear now.

5 MR. SETTINERI: Okay. Thank you.

6 EXAMINER PRICE: The reality is I assume
7 you are not going to brief your objections. If the
8 stipulation moves forward, your objections would fall
9 anyway.

10 MR. SETTINERI: I was thinking up above.

11 EXAMINER PRICE: I appreciate it. Any
12 other matters we need to discuss?

13 MR. CAMPBELL: I might have missed it. I
14 don't know if you specifically stated the proponent
15 deadline other than the Company. My understanding is
16 that was also going to be on the 17th for testimony.

17 EXAMINER PRICE: Proponent and Company
18 except for the Staff is due on January 17. Okay?

19 Anything else? We are adjourned. Thank
20 you, all.

21 We are off the record.

22 (Thereupon, at 2:26 p.m., the hearing was
23 adjourned.)

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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 Monday, January 7,
2019, and carefully compared with my original
stenographic notes.

Karen Sue Gibson

Karen Sue Gibson, Registered
Merit Reporter.

(KSG-6673)

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This foregoing document was electronically filed with the Public Utilities

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in

Case No(s). 18-0049-GA-ALT, 18-0298-GA-AIR, 18-0299-GA-ALT

Summary: Transcript In the Matter of the Application of Vectren Energy Delivery of Ohio, Inc., for Approval of an Alternative Rate Plan; In the Matter of the Application of Vectren Energy Delivery of Ohio, Inc., for Approval of an Increase in Gas Rates and In the Matter of the Application of Vectren Energy Delivery of Ohio, Inc., for Approval of an Alternative Rate Plan, hearing held on January 7th, 2019. electronically filed by Mr. Ken Spencer on behalf of Armstrong & Okey, Inc. and Gibson, Karen Sue Mrs.