

Confidential Release

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BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the
Complaint of:

Jeffrey Pitzer,

Complainant,

VS.

Duke Energy, Ohio, Inc.,

Respondent,

CONFIDENTIAL

PROCEEDINGS

before Ms. Sarah Parrot, Hearing Examiner, at the Public Utilities Commission of Ohio, 180 East Broad Street, Room 11-D, Columbus, Ohio, called at 10:00 a.m. on Tuesday, February 2, 2016.

VOLUME II

CONFIDENTIAL SECTION

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(CONFIDENTIAL PORTION.)

EXAMINER PARROT: All right. So at this point, though, Ms. Bojko indicated she did, so we are now going to go into a confidential session again.

Ms. Bojko, your questions for the confidential session.

MS. BOJKO: Thank you.

- - -

CROSS-EXAMINATION (Continued)

By Ms. Bojko:

Q. Do you have in front of you, Mr. Danzinger, what has been marked as OCC H, which is OCC-POD-03-005 with confidential attachment?

A. Which one?

Q. L, it's OCC-POD-03-005.

A. Is that one of the two you just handed me?

Q. No. We handed out it earlier before we realized it was a confidential document.

A. Have you got another copy of it?

Q. I have an extra copy.

MS. BOJKO: May I approach?

EXAMINER PARROT: You may.

1 A. Thank you again.

2 Q. Sir, do you have in front of you what's
3 been marked as OCC Exhibit H?

4 A. I do.

5 Q. And, sir, does this appear to be a
6 discovery response from Duke Energy Ohio?

7 A. It does.

8 Q. And the responsible party is listed as
9 "Legal"?

10 A. It does.

11 Q. But if you turn the page to the
12 attachment -- oh, excuse me, before we turn the page.
13 Does the response reference Supplemental Attachment
14 OCC-POD-05 -- 04-005 Confidential at the bottom?

15 MS. SPILLER: I am going to object to the
16 extent it also references other responses. That
17 misstates the response.

18 MS. BOJKO: Your Honor, I mean, it says
19 what it says. I am trying to show why it's attached.
20 I will rephrase the question.

21 Q. Does the last sentence of the discovery
22 response after objections and referencing other
23 documents, does it say "See also, Supplemental
24 Attachment OCC-POD-04-005 Confidential"?

25 A. That is what it states.

1 Q. Okay. And so then if you turn to the
2 attachment, is this -- is this the referenced
3 attachment? Does it say in the right-hand corner
4 OCC-POD-04-005 Supplemental Confidential Attachment?

5 A. It does.

6 Q. And on the left side it says "Business
7 Unit," it says "Nonpay," and that's the business unit
8 you work in; is that correct? You did in 2011.

9 A. Did work in, yes.

10 Q. And is this -- do you recognize this as a
11 log or a screenshot from the document system at Duke?

12 A. This isn't what I am used to seeing, but I
13 can see that it has the address in question and a
14 complete seal. My completions on it.

15 Q. So it's information that you would have
16 inputted in the system that would have transferred to
17 a report?

18 A. Of some type, yes, a report I am
19 unfamiliar with, but yes.

20 Q. And you said you are familiar with the
21 data that's contained in this report?

22 A. I can see the -- it contains my responses,
23 but like I said, this is not something that I've ever
24 seen on my personal computer at work.

25 Q. And the data that you would have entered

1 in, this reflects that you did, in fact, seal the
2 electric meter; is that correct?

3 A. It does.

4 Q. And it says that you sealed the electric
5 meter at 12:16 p.m.; is that correct?

6 A. Yes.

7 Q. And then it also shows when you were on
8 site at 12:12; is that correct?

9 A. Yes.

10 Q. And so it shows that you were at the
11 property for four minutes; is that correct?

12 MS. SPILLER: Objection. I think that
13 mischaracterizes the document. And also the
14 witness's testimony concerning the activities that
15 day.

16 EXAMINER PARROT: Overruled.

17 Mr. Danzinger, you can explain to us,
18 though, how this accounts for your time on this
19 exhibit.

20 A. It does show that I was on site with the
21 electric account for four minutes.

22 Q. And then it also shows that for the gas
23 account you were on site at 12:16. You were en
24 route, meaning you left the property, at 12:16; is
25 that correct?

1 A. En route to the gas meter?

2 Q. Yes.

3 A. No. That's without moving my truck
4 because I just -- you have to press "en route" before
5 you press "on site." It's just that order, so.

6 Q. Okay. So this shows that you were -- you
7 canceled the gas meter order, is that correct, or it
8 was canceled?

9 A. Yes.

10 Q. And the "en route" of 12:01 in here would
11 have been entered as when you left the prior
12 property; is that correct?

13 A. That is correct.

14 Q. So it took you 11 minutes approximately to
15 get to this property from your last property?

16 A. Yes.

17 Q. And then after you hit "complete," you
18 would have then hit "en route" to your next property;
19 is that correct?

20 A. Correct.

21 Q. So that "en route" would have started
22 approximately 12:16 p.m.?

23 A. Yes.

24 Q. And does it show on here that the gas DNP
25 was canceled because the meter was locked? That the

1 indication of the cancel reason No. 1?

2 A. I see the No. 1. I'm sorry. Restate what
3 you said.

4 Q. Sure. Do you see the No. 1 under "Cancel
5 Reason"?

6 A. Yes.

7 Q. And then if you look in the left-hand
8 corner it has a key that says "Cancel Reason 01"
9 equals "locked"?

10 A. Okay. Yes.

11 Q. So on this report it states that the
12 reason the gas disconnect was canceled was because it
13 was locked.

14 A. Correct.

15 Q. So you would have entered in your system
16 that the gas meter was locked?

17 MS. SPILLER: Objection. Relevance.

18 EXAMINER PARROT: Overruled.

19 A. That's what the paper states.

20 Q. And to determine that, you would have had
21 to go and check the gas meter to determine if it was
22 locked or you could not gain access?

23 A. Not necessarily.

24 Q. Do you have in front of you what's been
25 marked as OCC Exhibit K which is a POD-01-007?

1 A. Is that part of this document you just
2 gave me?

3 Q. No. It's a new document. It's POD --
4 Pitzer-POD-INT -- it was marked as Exhibit K. It is
5 a screenshot. We handed it to you right before.

6 A. Screenshot of what one?

7 Q. It says Pitzer-POD-01-007 Confidential
8 Attachment at the top.

9 A. Yes, I have that.

10 Q. You have that? Okay. And does this
11 appear to be a screenshot from the CMS system?

12 A. I don't know what that is.

13 Q. Do you recognize the information on it
14 such as DNP order cancel, DNP order issue?

15 MS. SPILLER: Your Honor, the witness has
16 just said he doesn't know what this document is.

17 EXAMINER PARROT: Overruled.

18 A. I can see what it says, but I have no idea
19 what -- where this came from.

20 Q. So you don't know that this is where the
21 system inputs in the customer database that the DNP
22 order was canceled? You don't know where that
23 information comes from?

24 A. No, I don't.

25 Q. Okay. Do you have in front of you what's

1 marked as OCC Exhibit G which is a data response
2 marked OCC-POD-04-005? Do you have that up there?
3 Do you have that one in front of you?

4 A. Not yet. No. I don't know what I am
5 looking for. I have got too much paperwork. I don't
6 know what any of it is.

7 EXAMINER PARROT: I don't think the
8 exhibits from yesterday are there, so you are going
9 to need to provide that to him.

10 MS. BOJKO: May I approach, your Honor?

11 EXAMINER PARROT: You may.

12 A. Thank you.

13 Q. Does this appear to be a discovery
14 response -- a request and a response to
15 OCC-POD-04-005?

16 A. It does.

17 Q. And if you look at the bottom of, it's
18 actually on page 2, does it say the person
19 responsible is "Legal" and "Bob Ries"?

20 A. It does.

21 Q. And, sir, does this ask for all documents
22 or data Duke has that reference or explain the
23 cancelation of the gas disconnection for the
24 Easterling account in the Customer Database System?

25 MS. SPILLER: Your Honor, I am going to

1 object. A couple of grounds here. One is relevance.
2 This case does not concern the disconnection of gas
3 service. Mr. Danzinger has not been identified as
4 the person responsible for this particular answer.

5 EXAMINER PARROT: Overruled.

6 THE WITNESS: Reread the question.

7 (Record read.)

8 A. That is what the document reads.

9 Q. And at the bottom of the response, after
10 objections, does it reference two discovery responses
11 OCC-POD-04-005 Confidential and Supplemental
12 Attachment OCC-POD-04-005 Confidential, which is the
13 one we just discussed?

14 A. It does.

15 Q. And if you could turn to the next page is
16 the attachment titled at the top OCC-POD-04-005
17 Confidential Attachment?

18 A. Yes.

19 Q. And does this appear to be a screenshot
20 from CMS?

21 A. Nothing I'm familiar with seeing. I am
22 not sure what it is.

23 Q. Okay. Do you see your name is identified
24 in the document?

25 A. I do.

1 Q. And that name references a cancelation of
2 the gas disconnect at 12:16 p.m.; is that correct?

3 A. I do.

4 Q. I'm sorry; is that correct?

5 A. Yes, that is correct.

6 Q. Thank you. So this document actually says
7 that you canceled the disconnect for gas on 11/4/11
8 at 12:16 p.m.; is that correct?

9 A. That is what it says.

10 Q. Now, you should have in front of you a
11 document that was just handed to you before you left
12 the room marked OCC Exhibit M and it is two-pages,
13 front and back. The front of the first one of
14 screenshots looks like this. Do you have that in
15 front of you?

16 A. Yeah.

17 Q. Okay. And does this document appear to be
18 a screenshot from the Easterling account, if you
19 know?

20 MS. SPILLER: Your Honor, if I could just
21 pause for a moment. We were presented a total --
22 it's three total pages?

23 MS. BOJKO: Yes.

24 MS. SPILLER: But it looks like one is a
25 duplication.

1 MS. BOJKO: Aren't your first and third
2 pages the same? I mean, this is how the document was
3 produced, so I guess --

4 MS. SPILLER: I don't know that I can say
5 that. It's not attributed to any response from us.

6 MS. BOJKO: Well, it was a large stack of
7 collective documents that were forwarded by the
8 company in response to provide us what you had
9 provided via subpoena to the Complainant, so there
10 was no particular discovery request. You just
11 produced a large stack of documents.

12 MS. SPILLER: If you look at the legend at
13 the bottom right, though, your first and third pages
14 have the same Bates labeling.

15 MS. BOJKO: Okay. I'm fine with removing
16 the third page, your Honor, if that's Counsel's
17 concern. Again, I was trying to be complete by
18 providing what was provided to us.

19 EXAMINER PARROT: So we are taking off the
20 back page?

21 MS. BOJKO: We can eliminate the last page
22 if it gives Counsel heartburn.

23 EXAMINER PARROT: Okay.

24 MS. SPILLER: I don't know that it's
25 heartburn, Ms. Bojko, but it's simply that there are

1 duplicate documents there.

2 MS. BOJKO: May I continue, your Honor?

3 EXAMINER PARROT: Yes.

4 Q. (By Ms. Bojko) Mr. Danzinger, do you have
5 in front of you what is a two-page document now
6 that's been marked as OCC Exhibit M which is a
7 screenshot from Duke's CMS system?

8 A. I do.

9 Q. Does this appear to be a screenshot
10 containing information about the cancelation and
11 completion of the work that you performed at the
12 Easterling property on November 4?

13 MS. SPILLER: I am going to object to the
14 lack of foundation with this witness. I think it is
15 well outside the scope of his testimony in this
16 proceeding.

17 MS. BOJKO: I think I just asked if it
18 reflects the work that he performed which would be in
19 the scope of his testimony.

20 MS. SPILLER: Well, you are asking if it
21 is a screenshot from a particular database. He has
22 indicated he is not familiar with that system.

23 MS. BOJKO: Your Honor, I'll rephrase the
24 question. I can ask another question.

25 EXAMINER PARROT: That's what I was trying

1 to see. I think we got interrupted a while back when
2 we were getting into foundation and I am not sure we
3 covered that ground, so let's do that.

4 MS. BOJKO: Okay.

5 Q. (By Ms. Bojko) Sir, just so we're clear,
6 the -- it's your understanding that on November 4,
7 2011, you had -- a DNP was issued for both the gas
8 and electric service at the Easterling property; is
9 that correct?

10 A. That is my understanding.

11 Q. Okay. And they were both scheduled for
12 you to go out and do the disconnection on November 4,
13 2011; is that correct?

14 A. Yes.

15 Q. And you performed the electric
16 disconnection, but you did not perform the gas
17 disconnection and you canceled the gas disconnection;
18 is that correct?

19 A. That is what I am being told.

20 Q. And you have no reason to disbelieve -- or
21 not believe what you are being told? I mean, that's
22 what you are testifying to; is that correct?

23 A. Yes.

24 MS. BOJKO: Okay. If I may have one
25 moment, your Honor?

1 EXAMINER PARROT: You may.

2 MS. BOJKO: Your Honor, I have no further
3 questions for this witness. Thank you.

4 EXAMINER PARROT: Any redirect,
5 Ms. Spiller?

6 MS. SPILLER: No, your Honor.

7 EXAMINER PARROT: Okay. Let's go back on
8 the public record.

9 (OPEN RECORD.)

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(CONFIDENTIAL PORTION.)

EXAMINER PARROT: Ms. Bojko.

MS. BOJKO: Thank you, your Honor. May I
approach?

EXAMINER PARROT: You may.

- - -

CROSS-EXAMINATION (Continued)

By Ms. Bojko:

Q. Ms. Porter, do you have in front of you
what's been marked as OCC Exhibit 11, which is -- do
you have in front of you what's been marked as OCC
Exhibit 11 -- Exhibit L?

A. It's difficult. I couldn't read it, but I
have it.

Q. Well, does this appear to be an error
report that you had discussed previously in the
public section?

A. Yes.

Q. Okay. And does this error report, if you
look at the top two lines, does this error report
note that the top two unredacted lines -- I should

1 clarify. Does this report indicate that there was an
2 error on October 13, 2011?

3 A. I can't see it.

4 MS. SPILLER: I'm sorry, the top two
5 lines?

6 MS. BOJKO: Top two unredacted lines, yes.

7 MS. SPILLER: I am going to object because
8 this certainly misstates line 2.

9 MS. BOJKO: Line 2.

10 EXAMINER PARROT: Hang on just a second.

11 MR. CARMOSINO: Can I hand her my glasses?

12 MS. BOJKO: Thank you, Mr. Carmosino.

13 THE WITNESS: Oh, okay.

14 MS. BOJKO: Your Honor, may I rephrase
15 that question?

16 EXAMINER PARROT: Yes, let's try again.

17 Q. (By Ms. Bojko) The line that's numbered
18 291 and it's titled "Disconnect notice on bill for
19 customer in good standing." Do you see that?

20 A. I do.

21 Q. And does it say that -- indicate that
22 there was an error for the mailing or the document of
23 October 13, 2011?

24 MS. SPILLER: I am going to object. That
25 misstates the title.

1 A. It just says that there was a disconnect
2 notice on bill for customer that was in good
3 standing.

4 EXAMINER PARROT: Disconnect versus
5 disconnection, is that what we are talking about?

6 MS. SPILLER: Well, she is talking about
7 an error for the mailing.

8 A. It didn't reference mailing at all.

9 Q. I thought you said this was an error log.

10 MS. BOJKO: Your Honor, I'll withdraw and
11 rephrase.

12 EXAMINER PARROT: Let's try that again.

13 MS. BOJKO: Try to clarify.

14 Q. I thought you said this was an error log
15 that would be created if there was an error in the
16 mailings.

17 A. This is an error log that is used by our
18 revenue services department. So anything that
19 happens in our revenue services department will go on
20 this error log. If there was an error with print
21 mail, I would log it here. That's not related to
22 print mail.

23 Q. But it appears there was an error logged
24 by somebody regarding a disconnection notice on a
25 bill for a customer in good standing on October 13,

1 2011, correct?

2 A. That's correct.

3 MS. SPILLER: And I am going to object and
4 move to strike due to relevancy. This is after the
5 October bill was generated.

6 MS. BOJKO: Your Honor, I think it's very
7 relevant that we have a disconnect notice on a bill
8 for customer in good standing which is the exact
9 situation that we have for the Easterlings and it
10 says there is an error with this and I am trying to
11 understand if she has knowledge of that error on the
12 error log.

13 EXAMINER PARROT: Overruled.

14 A. I do not have knowledge of it.

15 Q. I didn't hear.

16 A. I do not have knowledge of it.

17 Q. And it appears from the error report that
18 there is an October 13, 2011, problem that was
19 resolved later in the month on October 30; is that
20 correct?

21 A. That's correct.

22 Q. Could you -- could you look at the line
23 number titled 295 -- or no, I'm sorry, 294.

24 A. 294. Yes, I see it.

25 Q. Does this state that "All DNP's are

1 suspended in all states due to middleware
2 communication issues until further notice"?

3 A. That's what it states.

4 Q. And it says it's for residential,
5 commercial, industrial, and governmental clients?

6 A. That's correct.

7 Q. And under that heading it says "Customer
8 Segment(s) Impacted." That's what that information
9 relates to, what type of customers are impacted by
10 this notice?

11 A. That's correct.

12 Q. And does that appear that the problem
13 began on October 20, 2011?

14 A. That's what the report shows.

15 Q. So from this it indicates that all DNPs
16 were suspended in all states due to this issue on
17 October 20, 2011?

18 MS. SPILLER: Objection, your Honor.
19 There is, one, a supposition about all states and, if
20 so, that's improper and irrelevant to this case.
21 This case concerns one customer in Ohio.

22 EXAMINER PARROT: Overruled.

23 A. That's what it states.

24 Q. And so this error that's noted on the
25 error log occurred in the same month that the

1 Easterlings received a disconnection notice and were
2 put on DNP status; is that correct?

3 A. That's correct.

4 Q. And on -- in your testimony you state that
5 Donnelley doesn't do a monthly report for other print
6 jobs; is that correct?

7 A. We were referencing the final notice.
8 Since it does not get inserts. It doesn't have,
9 like, a prep because the report that's MP-1 is a prep
10 for the new inserts that have been -- we had for
11 October, but the final notice or 10-day notice does
12 not get inserts so it doesn't have this prep.

13 Q. It doesn't have a report attached to it?

14 A. It doesn't have one created prior to the
15 month starting.

16 Q. And if there is an error in those print
17 jobs from Donnelley, then they would send an e-mail
18 to Duke directly; is that correct?

19 A. Yes.

20 Q. And just so I'm clear, this report is
21 created internally by Duke Energy Ohio, is that
22 correct, or Duke Energy?

23 A. Duke Energy.

24 Q. And it's applicable to Ohio; is that
25 correct?

1 A. It's applicable to all jurisdictions, the
2 tool that we use. I think we've redacted it to only
3 represent the states in question.

4 Q. The second page of the document is -- it
5 didn't fit on one page. The second page actually has
6 to be put at the end and if you look down at the same
7 line we were talking about, on line 294, so it's the
8 first blue highlighted block.

9 A. I'm sorry?

10 Q. On the second tier. Do you see that? It
11 starts with "other"?

12 A. Okay.

13 Q. And that other says "Non-pay disconnect
14 completion. Non-pay disconnects in error"; is that
15 correct?

16 A. That's what it says, yes.

17 Q. And then if you look at the exception on
18 the right side, it says "Sites/RevenueServicesStaff/
19 ExtendedStaff/Lists/Operational Problems and Issues."
20 Do you see that?

21 A. I do.

22 Q. And that all relates back to the DNP issue
23 that was cited on the first page that we discussed;
24 is that correct?

25 A. Yes.

1 MS. SPILLER: Your Honor, I am going to
2 object to this line of questioning. It's outside the
3 scope of Ms. Porter -- outside the scope of her
4 direct testimony and there has been no indication
5 that this is at all attributed to a mailing issue.

6 MS. BOJKO: I think she responded, your
7 Honor. But she -- it's an error log she referenced
8 in her testimony and that's what we are discussing,
9 the error log in the testimony.

10 EXAMINER PARROT: Overruled.

11 MS. BOJKO: I think there was an answer.
12 Thank you, your Honor. I have no further
13 questions.

14 MR. LANE: One follow-up to that, your
15 Honor.

16 EXAMINER PARROT: Yes.

17 - - -

18 CROSS-EXAMINATION (Continued)

19 By Mr. Lane:

20 Q. Line 294 that we were just talking about,
21 there is a column that says "Jurisdiction(s)
22 Impacted." Do you see that?

23 A. Yes.

24 Q. Okay. That says "Ohio" in that column,
25 does it not?

1 A. It does.

2 Q. And that would be Ohio?

3 A. That would be correct.

4 MR. LANE: Thank you.

5 EXAMINER PARROT: Any redirect for the
6 confidential section?

7 MS. SPILLER: Yes, please, your Honor.

8 - - -

9 REDIRECT EXAMINATION (Continued)

10 By Ms. Spiller:

11 Q. Ms. Porter you were just asked some
12 questions about an entry, it's under line 294.

13 A. Yes.

14 Q. Ms. Bojko asked you when that -- the
15 status on when that began, correct?

16 A. Correct.

17 Q. And I believe you said October 20, 2011?

18 A. That's correct.

19 Q. When was that issue resolved?

20 A. October 20, 2011.

21 Q. The entries that Ms. Bojko asked you
22 about, did any of those concern the mailings that
23 were performed by RR Donnelley on behalf of Duke
24 Energy Ohio?

25 A. No, they did not.

1 Q. Ms. Porter, do you know whether the
2 Easterling account was in good standing on October 13
3 of 2011?

4 A. I have no idea.

5 MS. SPILLER: Thank you. Nothing further,
6 your Honor.

7 EXAMINER PARROT: Ms. Bojko?

8 MS. BOJKO: Sure. Thank you.

9 - - -

10 RE CROSS-EXAMINATION (Continued)

11 By Ms. Bojko:

12 Q. You're not familiar with Mr. Carmosino's
13 testimony that states they were -- that the
14 Easterlings were in good standing in August?

15 A. I have not heard his testimony.

16 Q. And you haven't read any documents on CMS
17 that notes that the customer was or was not in good
18 standing?

19 A. It is no the part of my job.

20 MS. SPILLER: Objection, your Honor.

21 There is no time frame associated with that.

22 MS. BOJKO: I'm sorry.

23 EXAMINER PARROT: Yeah, could you please
24 rephrase, Ms. Bojko?

25 MS. BOJKO: Certainly.

1 Q. You're not familiar with anything in CMS
2 that notes whether the customer was in good standing
3 or not in good standing from, I guess it would have
4 to be maybe June, July, through the end of 2011?

5 A. No, I am not.

6 Q. Your counsel just asked you about line 294
7 and this talks about all DNPs being suspended; is
8 that correct?

9 A. That's what it says, yes.

10 Q. And you don't know if the DNP associated
11 with any particular account was or was not suspended,
12 do you?

13 A. No, I do not.

14 Q. In response to your counsel you were
15 talking about the mailings, you weren't talking about
16 specific accounts such as the Easterlings, correct?

17 MS. SPILLER: Objection. That misstates
18 the testimony. The question was simply when the
19 identified issue was resolved.

20 MS. BOJKO: She actually asked if it
21 pertained to the mailings.

22 EXAMINER PARROT: Overruled.

23 A. 294 is not direct about mailings that
24 happened.

25 Q. Right. But it also doesn't tell us which

1 accounts were affected during this time period; isn't
2 that true?

3 A. True. It's not account specific.

4 Q. So you don't know if the Easterling
5 account was or was not affected by line 294 that
6 suspended all DNPs; is that correct?

7 MS. SPILLER: I am going to object. That
8 misstates facts that are not in evidence. There is
9 no indication of a work order being issued on that
10 property for October 20, 2011.

11 MS. BOJKO: That wasn't what I asked, your
12 Honor.

13 EXAMINER PARROT: Overruled.

14 A. The DNPs are actual orders, so they would
15 not be subject to going out to disconnect at that
16 time based on the other testimony we've heard.

17 MS. BOJKO: I'm sorry. Can I have that
18 answer reread?

19 (Record read.)

20 Q. No. I asked if you knew whether the
21 accounts that were eligible for DNP, does it -- does
22 294 say anything about work orders?

23 A. No.

24 Q. Okay. It does mention DNPs are suspended
25 meaning disconnect for nonpays; is that correct?

1 A. That's correct, but it's not talking about
2 print files. It's talking about disconnects in the
3 field, disconnects for nonpayments.

4 Q. Right. Disconnects for nonpayments are
5 suspended on October 20, 2011; is that correct?

6 A. That's when disconnects in the field were
7 suspended.

8 Q. It says in the field?

9 A. No, but those are DNPs that are in the
10 field.

11 Q. They are also accounts that are eligible
12 for DNP; is that correct?

13 A. Yes.

14 Q. And that notation occurs in the CMS?

15 A. I have no knowledge of that.

16 MS. BOJKO: Thanks. I have no further
17 questions.

18 EXAMINER PARROT: Mr. Lane?

19 MR. LANE: Nothing further.

20 EXAMINER PARROT: Ms. Porter, I guess I am
21 confused what this error log shows. You say the
22 entries don't reflect -- they are not representative
23 of mailings, but it's my understanding from your
24 testimony it has to do with print jobs. So I guess I
25 am struggling with the difference between a print job

1 versus a mailing. If you could tell me, what does
2 OCC Exhibit L -- what is it showing me? I guess I
3 don't understand based on what I've heard so far.

4 THE WITNESS: The error log is inclusive
5 of our whole department of revenue services,
6 payments, accounts receivable, and billing, so any
7 time we have an issue that touches any of those it
8 would log it in here so we can see, you know, when it
9 began, what caused it, root cause, do an analysis on
10 it. So if there was a print issue, I would document
11 it in here. But these items are not related to print
12 that are showing on here.

13 EXAMINER PARROT: Okay. So these things
14 are not print job related for those other --

15 THE WITNESS: That's correct.

16 EXAMINER PARROT: -- other areas that
17 you -- all right. I think that helps. Thank you.

18 Okay. Let's go back on the public record.

19 (OPEN RECORD.)
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(CONFIDENTIAL PORTION.)

Q. Is it your -- is it your understanding, sir, that prior to the September bill, the Easterlings were in a good pay status?

A. Prior to their August bill, I have reason to believe they were in a good credit status, yes.

1 MR. LANE: Could you give that answer
2 back? I'm sorry.

3 (Record read.)

4 MR. McMAHON: Your Honor, I just realized
5 the answer to that question is actually redacted in
6 his direct testimony and is subject to the
7 confidential version of his testimony, on page 6,
8 line 4.

9 MS. BOJKO: I guess I'm not understanding
10 how that's a trade secret, your Honor, but --

11 EXAMINER PARROT: Now that it's out there,
12 I guess --

13 MR. McMAHON: I would move to have it
14 removed from the public record.

15 EXAMINER PARROT: You want to address on
16 the merits?

17 MR. McMAHON: Yes. I believe whether a
18 customer is considered -- I'm reluctant to use the
19 phraseology that's redacted from the public version,
20 is a trade secret. It describes the way the company
21 treats its customers, that is not known to the
22 public, known to its competitors, and about the
23 internal policies and procedures of the company and
24 how it handles its customers' accounts.

25 MS. BOJKO: That wasn't the question I

1 actually asked. I asked specifically about whether
2 he considered the Easterlings, not about what the
3 policy was.

4 MR. McMAHON: Right, but the reference to
5 the particular customer is an application of the
6 policy to the customer at issue in this account.

7 EXAMINER PARROT: All right. I am not
8 convinced thoroughly, but I will defer a ruling. We
9 will treat the reference as confidential for now.
10 And I would just reiterate to everyone in the room,
11 if we need to, I look to all you to head this sort of
12 thing off, so do your best.

13 MR. McMAHON: Yes.

14 MS. BOJKO: Yeah. I apologize, I didn't
15 mean to state that.

16 Q. (By Ms. Bojko) You talk about a reminder
17 notice and -- strike that. I'll save that for
18 confidential as well.

19 EXAMINER PARROT: Okay.

20 (OPEN RECORD.)
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(CONFIDENTIAL PORTION.)

EXAMINER PARROT: All right. Ms. Bojko,
your questions.

MS. BOJKO: Thank you, your Honor.

- - -

CROSS-EXAMINATION (Continued)

By Ms. Bojko:

Q. I will try not to repeat some foundation to the confidential versions. Page 5 of your testimony, sir. Line -- starting on line 20, are you there, sir?

A. Yeah. Hold on.

Q. Your testimony.

A. I had it. It's just the crossed-out version.

Q. Do you have your confidential version up there?

A. There's so many. Okay. All righty.

Q. Page 5, line 20, you state that the company "did not immediately pursue disconnection of all delinquent accounts" that do not meet and exceed the \$100 threshold; is that correct?

A. Yes.

Q. And you also do not pursue disconnection if a customer has a good pay history; is that correct?

A. Yes.

Q. And to have a good pay status is equivalent to a good credit status; is that correct?

1 A. Yes.

2 Q. And a customer is in good pay status if
3 they have a good payment history for the past 12
4 months; is that correct?

5 A. Yes.

6 Q. And they can be late two times and still
7 retain their good pay status; is that correct?

8 A. I believe that's what you are stating,
9 yes.

10 Q. And the Easterlings were in good pay
11 status as of the August bill, through August 26,
12 2011; is that correct?

13 A. Yes.

14 Q. And it's your understanding that in order
15 for the Easterlings to be in good pay status, that as
16 of the August bill, the Easterlings had not missed a
17 payment or were not late more than two times on a
18 bill for the preceding 12 months?

19 A. True.

20 MS. BOJKO: At this time, your Honor, I
21 would like to mark as OCC Exhibit V, a confidential
22 document which is identified as Pitzer-01-010
23 Confidential Supplemental Attachment. May I
24 approach, your Honor?

25 EXAMINER PARROT: You may.

1 (EXHIBIT MARKED FOR IDENTIFICATION.)

2 Q. And, sir, do you have in front of you
3 what's been marked as OCC Exhibit V?

4 A. Yes.

5 Q. Does it appear to be a discovery response
6 from Duke and it's titled Pitzer-01-010 Confidential
7 Supplemental Attachment?

8 A. Yes.

9 Q. It's 1 of 6?

10 A. Yes.

11 Q. And do these appear to be screenshots from
12 the CMS system?

13 A. Yes.

14 Q. And does page 1 show that there were gas
15 charges and electric charges for August entered in
16 the system?

17 MR. McMAHON: Objection, your Honor, to
18 the extent there is no foundation for this particular
19 witness and these documents.

20 MS. BOJKO: Well, your Honor, he has
21 talked a lot about the accounts and he's also talked
22 about all the payments that appear on these
23 screenshots. He's also talked about the CMS. These
24 would have correlated directly with my previous cross
25 in the public section when we went through all the

1 amounts, but these were confidential documents so I
2 could not show them to verify it.

3 EXAMINER PARROT: Overruled.

4 A. There was a question?

5 Q. Our question, sir, was the date on this
6 document that shows an electric and gas charge of
7 105.40 and 38.03 was for August 4; is that correct?

8 A. I think. It's kind of hard to read, but I
9 would say okay.

10 Q. Okay. And then if you -- it has the total
11 at the bottom of the 143.49 that we have been
12 discussing?

13 A. Yes.

14 Q. And if you go to the next page, it appears
15 that this is the September data that would have been
16 placed in the September bill which shows the gas
17 charge of 36.85 and the electric for the 66.33 that
18 we discussed?

19 A. Yes.

20 Q. And this is the total of 103.18 we have
21 discussed was the total due for the September
22 charges?

23 A. Yes.

24 Q. And then if you go to the next page, sir,
25 this appears to be the information for the October 4

1 bill and it indicates gas charges of 78.77 and
2 electric charges of 41.74; is that correct?

3 A. Yes.

4 Q. And then the next page is the November
5 data for the November 2 bill.

6 A. Yes.

7 Q. And it shows gas charges of 113.42 and
8 34.82 for electric; is that correct?

9 A. Yes.

10 Q. And then also on November 4 -- or two days
11 later on November 4, it shows an additional charge of
12 \$3.76; is that correct?

13 A. Yes.

14 Q. And each of these screenshots on the
15 right-hand corner shows how much the company is
16 seeking, it's called an "Asking Amount"; is that
17 correct?

18 A. Well, this is a bill charge screen that is
19 for each bill charged in that day. That doesn't mean
20 that's the asking amount just for that month, for
21 those charges, that's what that means.

22 Q. Right. That's the amount that the company
23 is asking for that they would put on the bill for the
24 current charges?

25 A. Put on the bill for the current charges,

1 yes.

2 Q. Okay. And the November 4 bill of only
3 \$3.76 cents, is it your understanding or fair to
4 assume that since that occurred two days after the
5 November 2 bill, that that was the additional meter
6 reading that occurred at the property when
7 Mr. Danzinger disconnected the service?

8 A. I would say that's fair to say.

9 Q. And then if you look at the final
10 disconnect page in this discovery response, does this
11 show a CMS testimony history or summary of the
12 account activity with regard to charges and payments?

13 A. Yes. That's what it looks like, yes.

14 Q. Thank you. I have no further questions on
15 that document.

16 A. Good, because it was hard to see.

17 Q. And that's a better version.

18 MS. BOJKO: Your Honor, this was marked on
19 the public section, but it is OCC Exhibit U, and it
20 is a document that is a discovery response to Pitzer
21 INT-02-001 supplemental confidential. May I
22 approach, your Honor?

23 EXAMINER PARROT: You may.

24 Q. Sir, do you have in front of you what's
25 been marked as OCC Exhibit U?

1 A. Yes.

2 Q. Does this appear to be a discovery
3 response from Duke?

4 A. Yes.

5 Q. And you are actually the lucky one that
6 was listed as the responsible party along with legal?

7 A. Yes.

8 Q. And, sir, are the attachments contained to
9 this supplemental confidential information, are
10 the -- is it a document that is guidelines, Duke
11 Energy's guidelines and procedures regarding
12 disconnection of service?

13 A. Yes.

14 Q. Okay. I only want to focus on the Ohio
15 guidelines.

16 A. Sure.

17 Q. Let me back up and ask, does this document
18 appear to be a Duke Energy-wide document that
19 contains many jurisdictions?

20 A. Yes.

21 Q. Okay. And there isn't an Ohio section; is
22 that correct?

23 A. A specific Ohio section?

24 Q. Yes.

25 A. I don't believe so, no.

1 Q. Well, if we turn to page 16 of the
2 document. Lesson IV discusses --

3 A. Hold on. Hold on. I'm sorry. What page?

4 Q. 16.

5 A. Okay.

6 Q. Lesson IV discusses Chapter 17 and 18 of
7 the Commission rules and applies to Ohio only; is
8 that correct?

9 A. Yes.

10 Q. And the introduction of this section
11 discusses that the reader "will learn about the
12 changes affecting payment options, disconnect
13 amounts, and disconnect notices"?

14 A. Yes.

15 Q. And if you turn the page to page 17, does
16 this document state that effective November 1, 2010,
17 there are changes mandated by the Public Utilities
18 Commission of Ohio?

19 A. Yes, it does.

20 Q. And, sir, do you believe that these
21 internal procedures used by Duke were in effect
22 during 2011?

23 A. Yes.

24 Q. And, sir, do you believe these policies
25 and procedures were in effect during August,

1 September, October, November of 2011?

2 A. Well, we didn't deliver 10-day notices,
3 right? But some of it, yes.

4 Q. Well, these were the policies and
5 procedures in effect at Duke during August,
6 September, October, November, of 2011, right?

7 A. Yes, uh-huh.

8 Q. And if you look at the section titled
9 "10-Day Disconnect Notices." Do you see that section
10 on page 17?

11 A. Yes.

12 Q. It states "From November 1 through
13 April 15, the utility company must make contact with
14 the customer at the premises 10 days prior to
15 disconnection of service." Did I read that
16 correctly?

17 A. You did.

18 Q. And it states -- under "Payment Plans" it
19 states that "Duke Energy shall advise the customer of
20 all extended payment plans (including PIPP Plus)"; is
21 that correct?

22 A. Yes, it does. Again, this is talking
23 points, class conversation, to a call center, but
24 yes.

25 Q. All right. Let's look at -- if we turn

1 the page to page 18, there it lists the different
2 payment plans that are in effect during the winter
3 heating season and under Rule 18-06(B).

4 A. Uh-huh.

5 Q. And if we could turn to page 21, please.

6 A. Uh-huh.

7 Q. On page 21 -- actually, it goes over, on
8 the bottom of page 21, do you see it says
9 "Residential for Ohio/Kentucky"?

10 A. Yes.

11 Q. Okay. So then if you turn the page, this
12 is the appropriate chart for Ohio; is that correct?

13 A. Yes.

14 Q. And here do we have a chart with different
15 scenarios that say that the utility past due amount
16 has to be \$100 or greater?

17 A. Yes.

18 Q. And that applies to 30-days past due, good
19 credit status; is that correct?

20 A. Yes.

21 Q. And it applies to 30-days past due amount,
22 good credit status, in the second block?

23 A. Yes.

24 Q. And this is where it says the action taken
25 under the 30-day past due amount, good credit status,

1 that this is a reminder message put on the bill; is
2 that correct?

3 A. Yes.

4 Q. There seems to be a distinction from the
5 first block to the second block even though the "Days
6 in past due amount" are equivalent; is that correct?

7 A. Yes.

8 Q. And there are different rules that apply
9 if it's a good credit status and whether they've
10 received a prior reminder message or not; is that
11 correct?

12 A. I'm sorry. Can you repeat the question?

13 Q. Sure. There seem to be different actions
14 or I guess actions taken by the company regarding
15 whether the customer is in good credit status and
16 whether they have received a new reminder message or
17 not; is that correct?

18 A. Yeah. I think.

19 Q. Could you turn the page to 23, please.

20 A. Yes.

21 Q. Here it says for the winter season in
22 Ohio, that winter final notices will be mailed to DNP
23 customers and three calendar days will be required
24 for mailing; is that correct?

25 A. Yes.

1 Q. So does that mean three days is added to
2 the 10-day notice?

3 A. Yes.

4 Q. And here it notes that Kentucky final
5 notices will be mailed year round; is that correct?

6 MR. McMAHON: Objection, relevance.

7 MS. BOJKO: My next question will show the
8 relevance, your Honor.

9 EXAMINER PARROT: Overruled. We'll see.

10 A. Yes.

11 Q. But Ohio is not listed here as serving
12 final notices year round; is that correct?

13 A. That is correct.

14 Q. And then if you go down to the summer
15 season, it says Duke Energy does not mail final
16 notices. The customer's billing will serve as their
17 final disconnection notice during the summer season;
18 is that correct?

19 A. Yes.

20 MS. BOJKO: Okay. I have no further
21 questions on that document, sir.

22 I am finished. Thank you, your Honor.

23 Thank you, Mr. Carmosino, for your time
24 today.

25 EXAMINER PARROT: Mr. Lane?

1 MR. LANE: No further questions.

2 EXAMINER PARROT: Redirect?

3 MR. McMAHON: Just one minute, your Honor.

4 (Discussion off the record.)

5 EXAMINER PARROT: Let's go back on the
6 public section then.

7 MR. McMAHON: No further questions, your
8 Honor.

9 (OPEN RECORD.)

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