

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

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In the Matter of the :
Annual Application of :
Columbia Gas of Ohio, Inc., : Case No. 18-1701-GA-RDR
for an Adjustment to :
Rider IRP and Rider DSM :
Rates. :

- - -

PROCEEDINGS

Before Lauren Augostini and Sarah Parrot, Attorney
Examiners, at the Public Utilities Commission of
Ohio, 180 East Broad Street, Room D, Columbus, Ohio,
called at 10:00 a.m. on Wednesday, April 3, 2019.

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1 Wednesday Morning Session,
2 April 3, 2019.

3 - - -

4 ATTORNEY EXAMINER AUGOSTINI: The Public
5 Utilities Commission of Ohio has assigned for hearing
6 at this time and place Case No. 18-1701-GA-RDR, being
7 In the Matter of the Application of Columbia Gas of
8 Ohio, Inc., for an Adjustment to Rider IRP and Rider
9 DSM Rates.

10 Good morning. My name is Lauren
11 Augostini, and with me is Sarah Parrot. We're the
12 Attorney Examiners assigned by the Commission to hear
13 this case.

14 At this time I would like to take
15 appearances of the parties, beginning with the
16 Company.

17 MR. CLARK: On behalf of Columbia Gas of
18 Ohio, Joseph M. Clark and Stephen Seiple, 290 West
19 Nationwide Boulevard, Columbus, Ohio 43215.

20 ATTORNEY EXAMINER AUGOSTINI: On behalf
21 of Staff.

22 MR. LINDGREN: On behalf of the
23 Commission Staff, Ohio Attorney General Dave Yost, by
24 Thomas Lindgren and Robert Eubanks, Assistant
25 Attorneys General, 30 East Broad Street, 16th Floor,

1 Columbus, Ohio 43215.

2 ATTORNEY EXAMINER AUGOSTINI: On behalf
3 of OCC.

4 MR. HEALEY: Good morning. On behalf of
5 OCC, Christopher Healey and Amy Botschner-O'Brien, 65
6 East State Street, 7th Floor, Columbus, Ohio 43215.

7 ATTORNEY EXAMINER AUGOSTINI: On behalf
8 of ELPC.

9 MS. FLEISHER: Good morning. On behalf
10 of the Environmental Law & Policy Center, Madeline
11 Fleisher, 21 West Broad Street, 8th floor, Columbus,
12 Ohio 43215.

13 ATTORNEY EXAMINER AUGOSTINI: On behalf
14 of OPAE.

15 MS. MOONEY: Ohio Partners for
16 Affordable Energy, I'm Colleen Mooney, P.O. Box
17 12451, Columbus, Ohio.

18 ATTORNEY EXAMINER AUGOSTINI: Before we
19 begin I'd like to address a couple of procedural
20 matters.

21 On various dates OCC, ELPC, and OPAE
22 filed timely motions to intervene. The motions are
23 unopposed and I will grant intervention to OCC, ELPC,
24 and OPAE.

25 As I understand, a Stipulation has been

1 filed.

2 MR. CLARK: That is correct, your Honor.

3 ATTORNEY EXAMINER AUGOSTINI: Would you
4 like to proceed?

5 MR. CLARK: Yes, if I may. I've got
6 several exhibits, beginning with the prefiling notice
7 all the way through. Is it okay if I do them all at
8 once?

9 ATTORNEY EXAMINER AUGOSTINI: Yes.

10 MR. CLARK: May I approach?

11 ATTORNEY EXAMINER AUGOSTINI: Yes.

12 (Pause.)

13 MR. CLARK: Your Honors, I didn't know
14 if you had a particular order you wanted to go in or
15 whatnot. I have an idea, and certainly I thought I
16 would just tick through them, and if you would like
17 to label them something differently, we can do that
18 however you like.

19 Columbia Exhibit 1 is the Notice of
20 Intent filed on November 28th. Columbia Exhibit 2 is
21 the Columbia Gas of Ohio Application filed on
22 February 28th of this year.

23 Exhibit 3 will be the Direct Testimony
24 of Melissa Thompson, also filed on the 28th of
25 February of this year. Exhibit 4 will be Direct

1 Testimony of Andrew Metz filed on the 28th of
2 February this year.

3 Exhibit 5 is the Direct Testimony of
4 Eric Slowbe filed on February 28th of this year.
5 Exhibit 6 is the Direct Testimony of Scott Pigg filed
6 on the 28th of February, also.

7 From there I think it's probably best to
8 label -- the Statement of Issues is from Columbia
9 alone, so we'll call it Columbia Exhibit 7, if that's
10 okay.

11 And then the Supplemental Direct
12 Testimony of Melissa Thompson in Support of the
13 Stipulation will be Exhibit 8.

14 And the Stipulation, itself, we would
15 call Joint Exhibit 1.

16 ATTORNEY EXAMINER AUGOSTINI: They will
17 be so marked.

18 MR. CLARK: Thank you.

19 (EXHIBITS MARKED FOR IDENTIFICATION.)

20 MR. CLARK: And, your Honors, I think we
21 can move to admit them now, or later at the end,
22 however you prefer.

23 ATTORNEY EXAMINER AUGOSTINI: Are there
24 any objections to admission of Columbia Exhibits 1
25 through 8, and Joint Exhibit 1?

1 MR. HEALEY: I would imagine we would
2 wait at least for cross-examination on the witnesses.
3 But otherwise, nothing from OCC.

4 MR. CLARK: I'm sorry, I meant on the
5 Notice of Intent and Application. I should have been
6 more clear. I'll move again at the end to make it
7 clear for the record, and we'll go from there.

8 ATTORNEY EXAMINER AUGOSTINI: Please
9 call your first witness.

10 MR. CLARK: Thank you, your Honors.
11 Maybe the first thing to address is Witness Pigg.
12 All the parties were kind enough to agree to waive
13 cross and stipulate to his admission, so can we do
14 his first?

15 So Columbia would move to admit the
16 testimony of Scott Pigg in this proceeding.

17 ATTORNEY EXAMINER AUGOSTINI: And there
18 are no objections? Hearing none, his testimony is
19 admitted into evidence.

20 MR. CLARK: Thank you.

21 (EXHIBIT ADMITTED INTO EVIDENCE.)

22 MR. CLARK: The first witness Columbia
23 is going to call is Eric Slowbe.

24 ATTORNEY EXAMINER AUGOSTINI: Please
25 raise your right hand. Do you swear the testimony

1 you're about to give is the truth?

2 MR. SLOWBE: Yes.

3 THE EXAMINER: Please be seated. Thank
4 you.

5 - - -

6 Eric Slowbe,
7 being first duly sworn, as prescribed by law, was
8 examined and testified as follows:

9 DIRECT EXAMINATION

10 By Mr. Clark:

11 Q. Good morning, Witness Slowbe. Can you
12 state your full name for the record, please?

13 A. Eric Slowbe.

14 Q. And what is your business address?

15 A. 290 West Nationwide Boulevard, Columbus,
16 Ohio 43215.

17 Q. And your direct testimony today, was it
18 prepared by you or at your direction?

19 A. Yes.

20 Q. And do you have any corrections or
21 changes to the testimony?

22 A. No, I do not.

23 Q. And if I asked you the same questions
24 today, would your answers be the same?

25 A. Yes, they would.

1 MR. CLARK: Your Honors, we move to
2 admit Mr. Slowbe's testimony, subject to
3 cross-examination.

4 ATTORNEY EXAMINER AUGOSTINI: Do we have
5 any cross?

6 MR. HEALEY: Not from OCC.

7 MS. FLEISHER: None, your Honor.

8 MR. LINDGREN: None, your Honor.

9 MS. MOONEY: None, your Honor.

10 ATTORNEY EXAMINER AUGOSTINI: Your
11 testimony will be admitted into evidence. You may be
12 excused. Thank you.

13 (Witness excused.)

14 ATTORNEY EXAMINER AUGOSTINI: And just
15 to be clear, to make the record clear, Columbia
16 Exhibit 6 will be admitted.

17 MR. CLARK: Your Honor, I have witness
18 Slowbe --

19 ATTORNEY EXAMINER AUGOSTINI: I'm sorry,
20 Exhibit 5.

21 (EXHIBIT ADMITTED INTO EVIDENCE.)

22 MR. CLARK: Thank you.

23 May we call our next witness? Is that
24 okay?

25 ATTORNEY EXAMINER AUGOSTINI: Yes.

1 MR. CLARK: Your Honor, next Columbia
2 calls Andrew Metz to the stand, please.

3 ATTORNEY EXAMINER AUGOSTINI: Please
4 raise your right hand. Do you swear the testimony
5 you're about to give is the truth?

6 MR. METZ: Yes.

7 ATTORNEY EXAMINER AUGOSTINI: Thank you.
8 Please be seated.

9 - - -

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

13 DIRECT EXAMINATION

14 By Mr. Clark:

15 Q. Good morning, Mr. Metz.

16 A. Good morning.

17 Q. Would you state your full name for the
18 record?

19 A. Andrew Steven Metz.

20 Q. What is your business address?

21 A. 209 West Nationwide Boulevard, Columbus,
22 Ohio 43215.

23 Q. And was your testimony prepared by you
24 or at your direction?

25 A. Yes.

1 Q. Do you have any corrections or changes
2 to your testimony?

3 A. No.

4 Q. And if I asked you the same questions
5 today, would your answers be the same as in your
6 testimony?

7 A. Yes.

8 MR. CLARK: Thank you. Your Honors,
9 Columbia moves the exhibit subject to
10 cross-examination.

11 ATTORNEY EXAMINER AUGOSTINI: Is there
12 cross?

13 MS. FLEISHER: Yes, your Honor. Just in
14 case any of the stipulating or nonopposing parties
15 have cross, I prefer for them to go first. I doubt
16 that's the case.

17 MR. HEALEY: Just for the record, OCC
18 has no position either way on the Stipulation or
19 ELPC's position, but we have no cross for this
20 witness.

21 ATTORNEY EXAMINER AUGOSTINI: Thank you.
22 Please proceed.

23 - - -

24 CROSS-EXAMINATION

25 By Ms. Fleisher:

1 Q. Mr. Metz, my name is Madeline Fleisher.
2 I represent the ELPC in this case, and I have a
3 number of questions for you that I think are properly
4 directed to you, but if any of them should go to
5 Ms. Thompson, please feel free to let me know.

6 And do you know approximately how many
7 residential customers Columbia has?

8 A. 1.4 million.

9 Q. And can you describe Columbia's process
10 for designing and implementing demand-side management
11 programs, or DSM programs, for its customers?

12 A. I think in terms of designing the
13 programs, that happened in a prior case that I was
14 not a witness for.

15 Q. Okay. And how about as to
16 implementation of the program?

17 A. Yes.

18 MR. CLARK: I'm sorry, just a moment.
19 You want to turn on your microphone?

20 By Ms. Fleisher:

21 Q. Can you describe Columbia's process for
22 implementing its DSM programs?

23 A. What do you mean by "implementing"?

24 Q. For example, determining contractors to
25 hire to implement the programs or budgets for

1 programs, or marketing plans, that kind of thing.

2 A. Which one do you want me to start with?

3 Q. How about for determining budgets for
4 programs?

5 A. Sure. So what we have -- we base it off
6 of what we have completed in the past in terms of
7 participation in our programs, and then we look at --
8 in terms of asking various implementers, we say how
9 much did this generally cost in the past, and we try
10 and forecast that into the future to see how much we
11 can forecast in the future.

12 Q. And does Columbia do marketing or
13 customer education about its DSM programs?

14 A. Yes.

15 Q. Okay. And how does that happen?

16 A. We subcontract that out, depending on
17 the program, to a marketing implementer.

18 Q. And does that affect customer
19 participation in the programs?

20 A. Are you asking does marketing impact --

21 Q. Correct.

22 A. Yes.

23 Q. And to dig in a little bit, is
24 marketing -- are marketing efforts designed to
25 increase customer participation in Columbia's

1 efficiency programs?

2 A. Yes, marketing is designed to bring
3 customers into the programs.

4 Q. And are you familiar with Columbia's
5 Stakeholder -- DSM Stakeholder Group?

6 A. Yes.

7 Q. And what is the role of that Stakeholder
8 Group?

9 A. Honestly, I don't know.

10 Q. Okay. And do you know how Columbia
11 markets the Simple Energy Solutions Program?

12 MR. CLARK: Your Honor, can I object to
13 this line of questioning? Ultimately this case is
14 narrowly tailored to rate recovery. It's not about
15 the programs we have, or how we're implementing them,
16 it's a question of whether the 2018 expenses were
17 reasonable and prudent. It's not about how we design
18 programs.

19 We already did all of that in the
20 16-1309 case, and so we just keep -- none of the
21 questions are outside of the scope, but to us we feel
22 they are relevant to the case.

23 The question is were the expenses
24 reasonable and prudent, and not about design of
25 programs or other issues that keep being raised.

1 ATTORNEY EXAMINER AUGOSTINI: Response?

2 MS. FLEISHER: Certainly, your Honors.

3 Well, a very specific way, if you turn to page 8 of
4 Mr. Metz' testimony, he testifies in support, on page
5 8 -- or on line 8, of carrying forward uninvested DSM
6 funding for possible use in future program years, so
7 he's already addressing future years there.

8 And I'm happy to get to it, but in prior
9 Columbia DSM Rider cases there have been stipulations
10 that have addressed Columbia's steps in future years
11 as to implementation of its DSM programs, so I think
12 that question is not inherently outside the scope,
13 and particularly since Mr. Metz has just testified
14 that their future budget for programs is based on
15 what the expenditures have been in the past.

16 I think there's a direct connection
17 between what they are spending in 2018 and what they
18 will spend in the future.

19 MR. CLARK: We just renew our objection
20 in the sense that ELPC's advocacy in this case is
21 about a future outcome, not about whether these
22 dollars are reasonably and prudently spent.

23 And so all these questions are related
24 to some sort of outcome that we think they want --
25 ELPC didn't even put on a witness in this case, so we

1 don't really know what their outcome they want is,
2 except what we see in comments.

3 And it's all future looking, it's not
4 about 2018 bracketed year of the expenses that we're
5 looking at.

6 MS. FLEISHER: And, your Honors, part of
7 my questioning, once I get to a witness who can
8 testify regarding the Stakeholder Group, is to the
9 fact that there is no other available forum for
10 litigating these issues.

11 Your Honors have read our comments.
12 We're merely interested in implementation of the
13 Commission's own Order in the 16-1309 case that
14 established these programs.

15 We believe the Commission gave clear
16 directives in that Order as to how Columbia should
17 carry out future implementation of its programs, and
18 if they are saying that this is not the place to make
19 that happen, then I'd be happy to know where that is.

20 (Pause.)

21 ATTORNEY EXAMINER AUGOSTINI: The
22 objection on the pending question is overruled, but
23 we'll see where your line of questioning goes from
24 there.

25 MS. FLEISHER: Thank you, your Honors.

1 And I guess we can just have that question reread.

2 (Record read back as requested.)

3 THE WITNESS: We have an implementer
4 that markets the program.

5 By Ms. Fleisher:

6 Q. Okay. And, Mr. Metz, if you can turn to
7 your testimony at page 8. And is it correct that
8 between line 4 and line 10 you propose that Columbia
9 will carry over approximately 3.6 million from its
10 2018 DSM budget for possible use in future program
11 years?

12 A. That's true.

13 Q. And how will Columbia determine how that
14 \$3.6 million is spent?

15 A. It would depend on how programs are
16 performing at the time.

17 Q. Can you elaborate on that more? How
18 will that influence how the money is spent?

19 A. Programs that are successful would need
20 additional funds. To serve more customers, we could
21 theoretically use that money.

22 MS. FLEISHER: All right. If I may
23 approach, your Honors?

24 ATTORNEY EXAMINER AUGOSTINI: Yes.

25 MS. FLEISHER: If we can mark this as

1 ELPC Exhibit 1. This is Columbia's application in
2 Case No. 16-1309-GA-UNC, filed on
3 June 10th, 2016.

4 ATTORNEY EXAMINER AUGOSTINI: It is so
5 marked.

6 (EXHIBIT MARKED FOR IDENTIFICATION.)

7 By Ms. Fleisher:

8 Q. And, Mr. Metz, are you familiar with
9 this document?

10 A. I read it.

11 Q. Okay. And you referred to a prior case
12 in which Columbia's DSM programs had been approved
13 for the current time span. Is this the application
14 from that case?

15 A. Yes.

16 Q. And is this application generally the
17 basis for the budget for your 2018 DSM programs?

18 A. I think there were additional
19 spreadsheets involved.

20 Q. But it was -- were those spreadsheets
21 filed in that same case?

22 A. I wasn't a witness in that case, so...

23 Q. Okay. Would this application and other
24 documents filed in the 16-1309 docket be the basis
25 for the budget for your 2019 programs?

1 A. Yes.

2 Q. And how much are you proposing to -- or
3 how much are you claiming to spend on your DSM
4 programs in 2019?

5 MR. CLARK: Your Honor, I want to renew
6 my relevance objection. In the scope of this
7 proceeding we're in a case about 2018 spent, it's not
8 about future years, and I want to confine this case
9 to what its purpose is.

10 MS. FLEISHER: Again, your Honors,
11 Mr. Metz clearly testifies that Columbia under spent
12 its budget in 2018, and intends to spend that money
13 in 2019, or potentially future years, and we're
14 concerned about it in terms of, you know, existing
15 unspent resources for the efficiency programs, that
16 they are used reasonably and prudently, which
17 Columbia has made part of this case.

18 MR. CLARK: Your Honor, Mr. Metz simply
19 points out the fact that they would be used for
20 future use and are available.

21 It doesn't -- his testimony doesn't talk
22 about what it's for, or which particular programs,
23 it's just the sample fact that yes, per the approved
24 program, we can roll those monies over. What and how
25 we're going to spend in 2019 and years after that is

1 not appropriate for this case.

2 (Pause.)

3 ATTORNEY EXAMINER AUGOSTINI: Could you
4 read back the question, please, Valerie?

5 (Record read back as requested.)

6 ATTORNEY EXAMINER AUGOSTINI: Sustained.

7 MR. CLARK: Thank you, your Honor.

8 By Ms. Fleisher:

9 Q. Mr. Metz, are you familiar with the
10 Commission order in the Case No. 16-309?

11 A. I've read it.

12 MS. MOONEY: Did you mean 1309?

13 MS. FLEISHER: Sorry, 13, yes.

14 May I approach, your Honor?

15 ATTORNEY EXAMINER AUGOSTINI: You may.

16 MS. FLEISHER: And I don't plan to mark
17 this as an exhibit because it's excerpts from the
18 Commission's Order in case 16-1309, but I thought it
19 would be good to have for reference.

20 By Ms. Fleisher:

21 Q. And, Mr. Metz, if you could just take a
22 minute to read through paragraph 71, and just let me
23 know once you've had a chance to do that.

24 (Pause.)

25 A. Ready.

1 Q. Thank you. And, Mr. Metz, is it fair to
2 say that this paragraph of the Commission's order
3 directs Columbia to move resources towards rebates
4 for Smart thermostats if other programs don't perform
5 as projected?

6 MR. CLARK: Your Honor, we'll move to
7 object as well on this. We have got two items. The
8 Commission Order speaks for itself, and I don't think
9 the witness -- I also think you'll be asking the
10 Commission to make a legal conclusion.

11 What the Commission requires is -- the
12 order speaks for itself, it's a legal order and
13 binding upon the company, and the witness shouldn't
14 have to make a legal conclusion when he's not a
15 lawyer.

16 MS. FLEISHER: Your Honor, he's
17 certainly here testifying as an expert in the
18 implementation of the DSM programs. He said that
19 he's read the order, and I think it's -- was meaning
20 to summarize the content of the order. If he thinks
21 it says something else, he's free to say so.

22 ATTORNEY EXAMINER AUGOSTINI: Mr. Metz,
23 you're not testifying as an attorney; is that
24 correct?

25 THE WITNESS: No.

1 ATTORNEY EXAMINER AUGOSTINI: Thank you.
2 Overruled. Please answer the question.

3 THE WITNESS: Can you reread the
4 question?

5 (Record read back as requested.)

6 THE WITNESS: Yes, I would agree with
7 that.

8 By Ms. Fleisher:

9 Q. Okay. And did Columbia take any actions
10 in 2018 to implement this aspect of the Commission's
11 Order?

12 A. We did not.

13 Q. Okay. Does Columbia plan to do so in
14 2019?

15 A. That would be speculation.

16 MR. CLARK: Objection. We're back to
17 2019 and not what happened in 2018.

18 MS. FLEISHER: Does -- I don't mean this
19 to run into your Honors' prior order, but I'm hoping
20 to ask him about something that's specifically in his
21 testimony, which is this uninvested DSM funding from
22 2018.

23 ATTORNEY EXAMINER AUGOSTINI: I think
24 it's speculative. He's already answered the
25 question.

1 By Ms. Fleisher:

2 Q. And, Mr. Metz, Smart thermostats were a
3 measure that Columbia offered rebates for in 2018,
4 correct?

5 A. Yes.

6 Q. And those -- that aspect of Columbia's
7 program was cost effective, correct?

8 A. Yes.

9 Q. Are you aware there's an Energy Star
10 certification for Smart thermostats?

11 A. Yes.

12 MS. FLEISHER: May I approach, your
13 Honors?

14 ATTORNEY EXAMINER AUGOSTINI: You may.

15 MS. FLEISHER: And if I can mark this as
16 ELPC Exhibit 2.

17 ATTORNEY EXAMINER AUGOSTINI: It will be
18 so marked.

19 (EXHIBIT MARKED FOR IDENTIFICATION.)

20 By Ms. Fleisher:

21 Q. Mr. Metz, feel free to take a minute to
22 look through it, it's a little bit long, although I
23 don't plan to ask you any questions about the
24 contents.

25 MS. FLEISHER: For the record, this is

1 labeled "Energy Star Program Requirements For
2 Connected Thermostat Products", a document from the
3 Energy Star federal government website.

4 By Ms. Fleisher:

5 Q. Mr. Metz, if you've had enough time, do
6 you recognize this as the Energy Star specification
7 for Smart -- or connected thermostats?

8 A. I have not seen this before.

9 Q. And Columbia Gas' Smart thermostat
10 rebate, is that solely for Energy Star certified
11 thermostats?

12 A. Currently, yes.

13 Q. And for its 2018 programs, did Columbia
14 Gas coordinate program implementation with electric
15 distribution utilities with overlapping territory?

16 A. What do you mean by coordinated?

17 Q. Well, first, do you know which Ohio
18 electric utilities overlap with Columbia Gas service
19 territory?

20 A. I don't think I know all of them.

21 Q. Which ones do you know?

22 A. I do know AEP and FirstEnergy.

23 Q. And did Columbia run any joint programs
24 with AEP or FirstEnergy?

25 A. We have not run joint programs; however,

1 we have marketed, and customers are still eligible
2 for those rebates.

3 Q. Okay. And has Columbia done joint
4 marketing with AEP or FirstEnergy for any rebated
5 products?

6 A. Not in 2018.

7 Q. Okay. Does Columbia discuss with AEP or
8 FirstEnergy what their efficiency programs are and
9 how the two might be coordinated?

10 A. Yes.

11 Q. And has Columbia taken any steps to
12 coordinate program implementation with AEP or
13 FirstEnergy?

14 A. Yes.

15 Q. Can you describe those steps?

16 A. So currently we work with AEP and the
17 city to create what we call Community Energy Savings
18 programs where AEP and Columbia come up with
19 baselines across our programs, and we partner and
20 market these programs jointly with the local --
21 whatever the local group is, so whether it's city or
22 township or county.

23 Q. Can you think of any other examples of
24 coordinating for implementation with electric
25 utilities?

1 A. We do let them know when we're doing
2 marketing. Often times when we have rebates, for
3 example, where marketers are providing additional
4 rebates, AEP has the same opportunities, or
5 FirstEnergy would have the same opportunities, to
6 provide those rebates.

7 MS. FLEISHER: One moment. I may be
8 done.

9 (Pause.)

10 MS. FLEISHER: That's all I have, your
11 Honors. Thank you.

12 ATTORNEY EXAMINER AUGOSTINI: Thank you.
13 Is there any redirect?

14 MR. CLARK: Your Honor, may we have just
15 a couple minutes?

16 ATTORNEY EXAMINER AUGOSTINI: Sure.

17 (Recess taken.)

18 MR. CLARK: Your Honors, we have no
19 redirect for this witness.

20 ATTORNEY EXAMINER AUGOSTINI: Okay.
21 Thank you. You may be excused.

22 (Witness excused.)

23 MR. CLARK: Columbia would move for the
24 admission of Witness Metz' testimony.

25 ATTORNEY EXAMINER AUGOSTINI: Are there

1 any objections?

2 MS. FLEISHER: No objection, your Honor.

3 MR. LINDGREN: No objections.

4 ATTORNEY EXAMINER AUGOSTINI: Hearing
5 none, Columbia Exhibit 4 is admitted into evidence.

6 (EXHIBIT ADMITTED INTO EVIDENCE.)

7 ATTORNEY EXAMINER AUGOSTINI: You may
8 call your next witness.

9 MR. CLARK: Thank you, your Honor. Just
10 a moment.

11 (Pause.)

12 MR. CLARK: Thank you, your Honor. Next
13 Columbia calls Melissa Thompson to the stand, please.

14 ATTORNEY EXAMINER AUGOSTINI: Please
15 raise your right hand. Do you swear the testimony
16 you're about to give is the truth?

17 MS. THOMPSON: I do.

18 ATTORNEY EXAMINER AUGOSTINI: Thank you.
19 You may be seated.

20 MR. CLARK: Your Honor, Ms. Thompson is
21 the last witness that I intend to call. She also
22 sponsors the Stipulation testimony as well, so I
23 figured, if it's okay with you, we'll just do them
24 all in one shot and make sure they are in the record
25 separate. But if Ms. Fleisher has any questions,

1 we'll just do them together, if that's okay with you.

2 ATTORNEY EXAMINER AUGOSTINI: That
3 sounds fine.

4 - - -

5 Melissa Thompson,
6 being first duly sworn, as prescribed by law, was
7 examined and testified as follows:

8 DIRECT EXAMINATION

9 By Mr. Clark:

10 Q. Good morning, Ms. Thompson. Can you
11 state your full name for the record?

12 A. Melissa Lynn Thompson.

13 Q. And your business address, please?

14 A. 290 West Nationwide Boulevard, Columbus,
15 Ohio 43215.

16 Q. And you have two pieces of testimony in
17 front of you; is that correct?

18 A. That's correct.

19 Q. And one is Columbia Exhibit 3, which is
20 your Direct Testimony in this case?

21 A. Yes.

22 Q. And the other is your Supplemental
23 Testimony in Support of the Stipulation, Columbia
24 Exhibit 8; is that correct?

25 A. That is correct.

1 Q. And were those testimonies, both of
2 them, prepared by you or at your direction?

3 A. They were.

4 Q. And do you have any changes or
5 corrections to either one of them?

6 A. I do not.

7 Q. And if I asked you the same questions
8 today in either testimony, would your answers be the
9 same?

10 A. They would be.

11 MR. CLARK: Thank you. Your Honor, I
12 move Ms. Thompson's Exhibits 8 and 3, subject to
13 cross-examination.

14 ATTORNEY EXAMINER AUGOSTINI: Cross?

15 MS. FLEISHER: Thank you, your Honors.

16 - - -

17 CROSS-EXAMINATION

18 By Ms. Fleisher:

19 Q. Ms. Thompson, are you familiar with
20 Columbia's DSM Stakeholder Group?

21 A. I am.

22 Q. And can you describe the role of the DSM
23 Stakeholder Group in implementation of Columbia's
24 conservation program?

25 A. Sure. The DSM Stakeholder Group

1 originally, as in Case No. 08-833, and in the 2011
2 case, and in the '16 case, was instrumental in
3 bringing about energy efficiency programs to Columbia
4 Gas of Ohio.

5 Annually the Stakeholder Group meets,
6 and Columbia's Energy Efficiency Team discusses the
7 performance of its programs, and discusses with the
8 Stakeholder Group if there are any anticipated
9 changes in the programs, and answers questions.

10 Q. And do members of the Stakeholder Group
11 ultimately have any control over Columbia Gas'
12 decisions as to program implementation?

13 A. The Stakeholder Group provides input
14 that Columbia Gas Energy Efficiency Team weighs and
15 executes if it finds valuable.

16 MS. FLEISHER: If I may approach, your
17 Honors?

18 ATTORNEY EXAMINER AUGOSTINI: Yes.

19 MS. FLEISHER: If we can mark this as
20 ELPC Exhibit 3 for the record. For the record, it is
21 a Joint Stipulation and Recommendation filed in Case
22 No. 12-2923-GA-RDR regarding the annual application
23 of Columbia Gas of Ohio for an adjustment to Rider
24 IRP and Rider DSM rates.

25 ATTORNEY EXAMINER AUGOSTINI: It will be

1 so marked.

2 (EXHIBIT MARKED FOR IDENTIFICATION.)

3 By Ms. Fleisher:

4 Q. And, Ms. Thompson, I don't know the
5 answer to this, but I'll still ask you. Were you
6 involved in this case?

7 A. I was not.

8 Q. And can you turn to page 2, paragraph 3?
9 And do you see where it says, "Columbia agrees with
10 Staff recommendation to hold at least one DSM
11 Stakeholder Group meeting in 2013 and subsequent
12 calendar years, and will implement the Staff's
13 recommendation"?

14 A. I see that paragraph.

15 Q. Thank you. And has Columbia Gas
16 implemented that portion of the stipulation?

17 A. I know that Columbia has held
18 Stakeholder Group meetings once a year beginning from
19 when I was involved with the Columbia Gas Energy
20 Efficiency Team, which was 2015. What I don't know
21 is what Staff's recommendation was in this case, I
22 was not involved.

23 MS. FLEISHER: Okay. That's all I have,
24 your Honors.

25 ATTORNEY EXAMINER AUGOSTINI: Any

1 redirect?

2 MR. CLARK: Your Honor, just a moment,
3 if we may?

4 ATTORNEY EXAMINER AUGOSTINI: Yes.

5 (Pause.)

6 MR. CLARK: Thank you, your Honor. No
7 redirect for this witness.

8 Columbia would move into evidence her
9 testimony, the direct testimony, Exhibit 3, and
10 Ms. Thompson's supplemental testimony, Exhibit 8.

11 ATTORNEY EXAMINER AUGOSTINI: Are there
12 any objections?

13 MS. FLEISHER: No objection, your Honor.

14 ATTORNEY EXAMINER AUGOSTINI: Columbia
15 Exhibit 3 and Columbia Exhibit 8 are admitted into
16 the record.

17 (EXHIBITS ADMITTED INTO EVIDENCE.)

18 MR. CLARK: Your Honor, if it's okay, I
19 think this is the last of the witnesses, so I'd like
20 to go ahead and clean up the other documents, if
21 that's okay, the Application and whatnot.

22 ATTORNEY EXAMINER AUGOSTINI: The
23 witness is excused.

24 (Witness excused.)

25 MR. CLARK: It looks like we move into

1 evidence Columbia Exhibit 1, which is the Notice of
2 Intent, Columbia Exhibit 2, the Application, Columbia
3 Exhibit 7, the Statement of Issues, as well as Joint
4 Exhibit 1, the Stipulation in this case.

5 ATTORNEY EXAMINER AUGOSTINI: Are there
6 any objections?

7 MS. FLEISHER: No objection, your
8 Honors.

9 MR. LINDGREN: No objection.

10 MR. HEALEY: No, your Honor.

11 ATTORNEY EXAMINER AUGOSTINI: Columbia
12 Exhibits 1, 2, 7, and Joint Exhibit 1 will be
13 admitted into the record.

14 (EXHIBITS ADMITTED INTO EVIDENCE.)

15 MR. CLARK: Thank you.

16 ATTORNEY EXAMINER AUGOSTINI:

17 Ms. Fleisher, would you like to move
18 your exhibits?

19 MS. FLEISHER: Yes, your Honors. If I
20 could move ELPC Exhibits 1 through 3 into evidence.

21 MR. CLARK: Your Honor, we have no
22 objections to No. 1 or 3. The No. 2, the Energy Star
23 program, the witness said he'd never seen the
24 document before. There's no foundation laid for this
25 document, it's hearsay. We don't think it should be

1 admitted.

2 Ultimately, if they wanted this document
3 to come in they could have put their own witness on,
4 and did not. And so we don't think it should be
5 admitted.

6 MS. FLEISHER: Your Honors, I ask that
7 you take administrative notice of this document.
8 Mr. Metz did testify he was aware there was an Energy
9 Star certification for Smart thermostats.

10 This an official federal government
11 document publicly available on a federal government
12 website showing that that does exist.

13 MR. CLARK: Your Honor, from our side,
14 on administrative notice perspective, we're not sure
15 it meets the standard. It's not something that can
16 be -- pardon me, I'm looking for my standards so I
17 can accurately quote it here.

18 When you're looking at it, it's not
19 expert testimony, it's factual testimony -- I'm
20 sorry, it's factual in nature, and I don't know that
21 it's generally known in the territory of
22 jurisdiction, or capable and accurate of ready
23 determination by -- it doesn't meet the standard of
24 Rule 201. And I apologize for speaking too quickly
25 as I went through it.

1 So we oppose the admission on its own
2 merits for the reasons we stated before, as well as
3 the administrative notice. And there's just no
4 relevance to it.

5 And for all the reasons on the
6 evidentiary side, as well as the administrative
7 notice side, it doesn't meet Rule 201 standards.

8 MS. FLEISHER: And, your Honors, it is
9 certainly available in Ohio, and in the entire United
10 States.

11 Mr. Metz also testified that Columbia
12 rebates Energy Star certified thermostats, so they
13 themselves rely on, you know, the implementation of
14 this specification.

15 So I don't think there's any question as
16 to the accuracy of this document, or its authenticity
17 as a federal government Energy Star specification.

18 (Pause.)

19 ATTORNEY EXAMINER AUGOSTINI: With
20 respect to ELPC Exhibits 1 and 3, those will be
21 admitted into the record. And I will give
22 administrative notice to ELPC Exhibit 2.

23 MS. FLEISHER: Thank you, your Honors.

24 (EXHIBITS ADMITTED INTO EVIDENCE.)

25 ATTORNEY EXAMINER AUGOSTINI: Let's go

1 off the record.

2 (Discussion off the record.)

3 ATTORNEY EXAMINER AUGOSTINI: Let's go
4 back on the record. Before we talk about a briefing
5 schedule, do any other parties want to mark and admit
6 into evidence exhibits?

7 MR. HEALEY: No, your Honor.

8 MR. LINDGREN: Your Honor, I would like
9 to mark as Staff Exhibit 1 the comments and
10 recommendations submitted by the Commission Staff and
11 filed in this docket on March 22nd, 2019.

12 ATTORNEY EXAMINER AUGOSTINI: So marked.

13 (EXHIBIT MARKED FOR IDENTIFICATION.)

14 ATTORNEY EXAMINER AUGOSTINI: Are there
15 any objections?

16 MR. CLARK: None here, your Honor.

17 MS. FLEISHER: No objection.

18 ATTORNEY EXAMINER AUGOSTINI: Hearing
19 none, Staff Exhibit 1 will be admitted into evidence.

20 MR. LINDGREN: Thank you.

21 (EXHIBIT ADMITTED INTO EVIDENCE.)

22 ATTORNEY EXAMINER AUGOSTINI: Okay.

23 Mr. Clark, you may proceed.

24 MR. CLARK: Your Honor, as we wrap up
25 this case, first of all, thanks for having this

1 hearing today.

2 We have a couple options, we thought,
3 for the parties. The first could be, given the
4 brevity of the case, the narrowness of the issues,
5 that we could have even just a quick closing
6 argument, if that's easier, and a -- it would avoid
7 writing a brief and the time of that.

8 As an alternative, we were looking at a
9 briefing schedule, if that's what you prefer.
10 Something reasonable sounds like maybe next Wednesday
11 the 10th for initial briefs, and then Columbia would
12 reply by close of business on the 12th.

13 MS. FLEISHER: And, your Honors, for the
14 record, ELPC would like to have a formal briefing
15 schedule for this case.

16 We believe since your Honors and the
17 Commission has to produce a written Order, it would
18 probably be helpful for us to give you something in
19 writing to tie all the pieces together and look at it
20 as you're doing that. We have no objection to the
21 schedule proposed by Mr. Clark.

22 MR. HEALEY: Your Honor, OCC's view is
23 that if we're going to depart from the Commission's
24 longstanding practice of briefing and do exclusively
25 oral argument, then that should be done if all

1 parties agree. If any party wants to have briefing,
2 then our view is that briefing should be available.

3 I also ask that if we were to go to oral
4 argument, that it not be considered precedent setting
5 for future cases where parties might want briefing.

6 All that being said, we are fine with
7 the April 10 and April 12 briefing schedule. Thank
8 you.

9 MS. MOONEY: OPAC is fine with the
10 April 10 for initial, and April 12 for reply briefs.

11 MR. LINDGREN: Staff is also fine with
12 the proposed briefing schedule.

13 ATTORNEY EXAMINER AUGOSTINI: Let's go
14 off the record -- or on the record, could you note
15 that we're having expedited treatment of the
16 transcript?

17 MR. CLARK: That is correct, your
18 Honors. We have -- Columbia has asked for an
19 expedited transcript that hopefully will be docketed
20 either late tomorrow or early Friday.

21 ATTORNEY EXAMINER AUGOSTINI: Thank you.
22 So the initial briefs will be due on April 10th, the
23 reply briefs will be due on April 12th.

24 Are there any other matters that need to
25 be addressed?

1 MR. CLARK: No, your Honor. Thank you.

2 ATTORNEY EXAMINER AUGOSTINI: All right.

3 Hearing none, this case is submitted on the record.

4 This hearing is adjourned. Thank you.

5 (Thereupon, the hearing was

6 adjourned at 11:05 a.m.)

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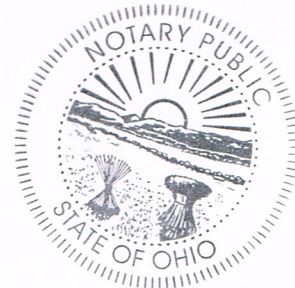
CERTIFICATE

I do hereby certify that the foregoing
is a true and correct transcript of the proceedings
taken by me in this matter on Wednesday, April 3,
2019, and carefully compared with my original
stenographic notes.

Valerie J. Grubaugh

Valerie J. Grubaugh,
Court Reporter and Notary
Public in and for the State
of Ohio.

My commission expires August 11, 2021.



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Case No(s). 18-1701-GA-RDR

Summary: Transcript In the Matter of the Annual Application of Columbia Gas of Ohio, Inc., for an Adjustment to Rider IRP and Rider DSM Rates, hearing held on April 3, 2019. electronically filed by Mr. Ken Spencer on behalf of Armstrong & Okey, Inc. and Grubaugh, Valerie