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PUBLIC UTILITIES COMMISSION OF OHIO

IN RE:

Application of Duke Energy
Ohio, Inc.

Case No.
24-0278-EL-SSO

HEARING

DATE: Tuesday, September 10, 2024

TIME: 6:00 p.m.

BEFORE: Matthew Sandor

Nick Walstra

Administrative Law Judges

LOCATION: Cincinnati City Hall

801 Plum Street

Cincinnati, OH 45202

REPORTED BY: Marianne Hissong

JOB NO.: 6753664

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1 APPEARANCES

2 ON BEHALF OF IN THE MATTER OF THE APPLICATION OF DUKE

3 ENERGY OHIO, INC.:

4 MATTHEW SANDOR, ESQUIRE

5 Public Utilities Commission of Ohio

6 180 E Broad Street

7 Columbus, OH 43215

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1 PROCEEDINGS

2 JUDGE SANDOR: Public Utilities

3 Commission of Ohio has assigned for public hearing at

4 this time and place case number 24-0278-EL-SSO et al.

5 captioned In the Matter of the Application of Duke

6 Energy Ohio, Inc. for authority to establish a

7 standard service offer pursuant to R.C. 4928.143 in

8 the form of an electric security plan.

9 My name is Matt Sandor and with me is

10 Nick Walstra. We are two of the administrative law

11 judges assigned by the commission to hear this case.

12 Additionally, there are staff members from the PUCO

13 here today that you may have met coming in. These

14 PUCO staff members are available if you have any

15 questions concerning the application in this case or

16 any other utility matters.

17 Also with us tonight is Dennis Deters,

18 who is a commissioner with the Public Utilities

19 Commission.

20 Commissioner Deters, I'll hand it over

21 to you for a moment.

22 MR. DETERS: Thank you, Judge Sandor.

23 My name is Dennis Deters. I am one of

24 five members of Ohio's Public Utility Commission. On

25 behalf of my fellow commissioners and the commission,

Page 3

1 EXHIBITS

2 NO. DESCRIPTION ID/EVD

3 (None marked.)

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1 I want to welcome you to this public hearing tonight

2 on Duke Energy's ESP. It's very important that this

3 process where we hear from the public is -- becomes

4 part of our record as we consider the case.

5 So I'm looking forward to hearing from

6 you all tonight. And those of you that signed in to

7 testify, we appreciate all of your input and welcome

8 you to this hearing. Thank you.

9 JUDGE SANDOR: Thank you, Commissioner.

10 At this time, I would like to take

11 appearances on behalf of the parties, starting with

12 the company.

13 MS. KINGERY: Thank you, Your Honor.

14 My name is Jeanne Kingery. I am here on behalf of

15 Duke Energy Ohio together with my co-counsel, Rocco

16 D'Ascenzo, Larisa Vaysman, and Elyse Akhbari, 139 East

17 Fourth Street, Cincinnati, Ohio.

18 JUDGE SANDOR: Thank you.

19 Ohio Consumers' Counsel?

20 MR. FINNIGAN: Good evening, Your

21 Honor. John Finnigan, Assistant Consumers' Counselor

22 on behalf of the Office of the Ohio Consumers'

23 Counsel, 65 East State Street, Columbus, Ohio 43215.

24 JUDGE SANDOR: Is there counsel present

25 for any of the other intervening parties who would

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1 like to make an appearance tonight? Okay. Seeing
 2 none.
 3 Duke Energy Ohio, Inc. filed this
 4 application on April 1, 2024 requesting authority to
 5 establish a standard service offer in the form of an
 6 electric security plan for the period commencing June
 7 1, 2025 and continuing through May 31, 2028. The
 8 local public hearings are only one aspect of the
 9 process in this case. The evidentiary hearing in this
 10 case is scheduled to commence on October 22, 2024 at
 11 the Commission's offices in Columbus.
 12 In Duke's application, the company is
 13 proposing an electric security plan that, among other
 14 things, is intended to satisfy its requirement to
 15 provide a default electric generation service, or
 16 standard service offer, while also addressing certain
 17 distribution service issues of the company and the
 18 continuation and/or creation of certain writers.
 19 The purpose of this evening's public
 20 hearing is to receive comments from the public
 21 regarding Duke's application for an electric security
 22 plan. It is not a question-and-answer session but is
 23 your opportunity to let the commission know what you
 24 think about Duke's application.
 25 Tonight's hearing is being transcribed

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1 by a court reporter. If you plan to testify, please
 2 speak clearly so that the court reporter can
 3 accurately reflect your comments on the record. Also,
 4 if you have prepared a written statement, it would be
 5 helpful if you provide a copy to the court reporter.
 6 Additionally, if you do not wish to testify at this
 7 time, written comments may be submitted on the PUCO's
 8 website or by mail under the case number 24-0278-EL-
 9 SSO.
 10 When you arrived, you were offered the
 11 opportunity to sign up to testify. Once we get
 12 started, I will begin calling the witnesses forward in
 13 the order that they signed up. Before you give your
 14 comments, I'll ask you to state your name and your
 15 address, and I will also swear you in. Your testimony
 16 will be considered part of the official record in this
 17 case, and it will be reviewed by the commission before
 18 it makes its final decision on the application.
 19 The commission appreciates your
 20 participation in tonight's hearing, and we want
 21 everyone who wishes to make a public statement to have
 22 the opportunity to do so. So please be considerate of
 23 others waiting to give their testimony and keep your
 24 statements to a reasonable period of time.
 25 At this time, I will begin calling

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1 witnesses forward. And I'll ask all the witnesses who
 2 do come up to testify, you'll come up to this table
 3 right here and sit in front of the microphone directly
 4 in front of me. And when you do speak, you'll need to
 5 press the button down on the microphone the entire
 6 time that you're speaking in order to send it to the
 7 audio system in the room.
 8 So our first registered witness is
 9 Stephen Pryor, and I apologize in advance if I
 10 mispronounce any of these names.
 11 MR. PRYOR: Say it again?
 12 JUDGE SANDOR: I believe it's Stephen
 13 or Stephan --
 14 MR. PRYOR: There you go. Stephan.
 15 JUDGE SANDOR: Stephan? There we go,
 16 sir.
 17 MR. PRYOR: Want to do it again before
 18 I come up?
 19 JUDGE SANDOR: Yes. You'll be able to
 20 inform me in a second. Okay. Please raise your right
 21 hand.
 22 MR. PRYOR: Hold on. Hold on, Your
 23 Honor. Let me do this the right way.
 24 JUDGE SANDOR: Take your time to set
 25 up.

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1 MR. PRYOR: Yes, sir. I came with the
 2 papers.
 3 Court reporter, are you ready?
 4 JUDGE SANDOR: Raise your right hand.
 5 WHEREUPON,
 6 STEPHAN PRYOR,
 7 called as a witness and having been first duly sworn
 8 to tell the truth, the whole truth, and nothing but
 9 the truth, was examined and testified as follows:
 10 JUDGE SANDOR: Thank you. Please state
 11 and spell your name for the record.
 12 MR. PRYOR: Stephan Pryor, S-T-E-P-H-A-
 13 N P-R-Y-O-R. I got my witnesses behind me. Thank you
 14 all for coming.
 15 JUDGE SANDOR: Real quick, if you can
 16 provide your address too, please.
 17 MR. PRYOR: 1639 Hamer Street,
 18 Cincinnati, Ohio 45202.
 19 JUDGE SANDOR: All right. Please take
 20 it away.
 21 MR. PRYOR: My name is Stephan Pryor,
 22 and I always come down to City Hall to address these
 23 issues. I'm happy to have y'all come to the city from
 24 Columbus, I'm assuming.
 25 Well, Duke Energy actually let other

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1 suppliers jump on the -- on our utility bill. They
2 let Dynergy. Then they had Constellation on my bill.
3 And I didn't know nothing about this, how they had
4 other suppliers on my -- on my bill. So as I'm paying
5 my bill, my bill was going up.
6 You know how you used to put something
7 on it, on the Duke bill where you can pay it next
8 month? But I did that and it went up more and more.
9 I'm like, "Why did that went up -- why did it go up?"
10 I thought it was supposed to go down. So I put a
11 little more money on it and it went up again. I'm
12 like, "Oh."
13 So I called the customer service and
14 she told me, "Well, in your city, your council members
15 got with some stakeholders and they actually
16 automatically opt you in this program. It's called
17 aggregation program." I said, "Hold on. What was the
18 program about?" "Well, it's supposed to save you
19 money." I was like, "How is it saving me money and
20 I'm paying more money for my bill?"
21 "Well, you got to talk to your -- your
22 state representatives and your city council" -- my
23 fault -- "city council members." I said, "All right.
24 Cool." So I talked -- talked with them, Meeka Owens'
25 committee. And I used to come there all the time to

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1 talk about it and they acted like they didn't know
2 what I was talking about. I'm like, "Why?" So as I
3 did my homework, Dynergy Energy Company CEOs went to
4 jail -- former Dynergy executive -- jail for 24 years
5 for \$300,000,000 fraud. And I'm like -- a Houston-
6 based energy firm. They went to jail for this.
7 Then you had Constellation for my gas.
8 They have us facing a class action lawsuit over
9 more -- over service charges with the consumers.
10 Constellation was hit with a class action lawsuit in
11 2017 that alleged the energy company used bait and
12 switch tactics to entice consumers by promising low
13 rates by increasing the rates that was allowed.
14 So when I came back to city hall and
15 addressed the issue, well, you can hear that using the
16 restroom -- because they didn't say nothing at all.
17 And I'm like, "This is wrong. You're not saving us no
18 money by having other suppliers on your bill." On my
19 -- on my Duke Energy bill was \$85, Dynergy was 65, and
20 Constellation was 35, so that's \$185. You're not
21 saving me no money.
22 So they told us to call Dynergy to
23 actually -- to -- to opt out the program. First of
24 all, I never opt in, so how can I opt out? "Well, you
25 can opt out." I said, "But I never opt in," so I'm

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1 having to debate with them. And
2 particularly -- particularly told me, "Well, someone
3 came to your door and signed you up." They kept
4 arguing back and forth with me. I'm like, "How is
5 that happening? I didn't sign up for this program.
6 I'm fine with Duke."
7 So as I kept coming to city hall to
8 address the issue about this, and they really told me
9 what was going on, "How can we help you, then,
10 Stephan? How can we help you?" I'm like, "Why don't
11 you just help me? And I paid my bill. Now keep them
12 off my bill." But say they'll automatically opt you
13 back in 12 more months. So how are you saving money
14 for the consumers? For Duke Electric.
15 How do you say you're not saving their
16 money? So we need to get this back on the ballot. I
17 know you ain't here to talk about that, but we need to
18 get it back on the ballot to remove this because they
19 had, like, a trial run since 2011. That's when
20 Roxanne Qualls was the mayor. Like, come on. That's
21 too long.
22 So Constellation's not on -- on the
23 bill no more. They got new suppliers, new energy
24 suppliers. Donovan Energy. Donovan Energy's coming
25 up. IGS. So it's just like you're changing the

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1 company name to different players. Same players, but
2 different name of the companies. And this has got to
3 stop.
4 There was a lady that wrote from
5 Clifton. She stated Clifton. She said, "I currently
6 live in Clifton, and I am in charge of paying
7 utilities in my household this month. I noticed the
8 bill was increased my that prior -- from that month
9 prior. I called Duke and they told me that because
10 the local agriculture act in Cincinnati, they start
11 charging me for a third-party service." So in May
12 through Dynergy.
13 And she said, "I need to call Dynergy
14 to get this settled." So she said she called Dynergy
15 and she was real pissed about it. So she needed to
16 call Dynergy. They start doubling her charges on her
17 Duke -- on her Duke bill. And she said, well -- she
18 said without the -- without her consent, they was
19 doing that. So she said, "I called Dynergy three
20 times and now they -- now -- now -- and nothing goes
21 anywhere.
22 Any time -- she said, "Every time I
23 call, they set up a case," and they did that with me
24 before. So it's a lot of information online of what
25 people was going through about these different three

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1 suppliers and -- and we're having a meeting today to
 2 talk about Duke going up. If we get three suppliers
 3 off our bills, our Duke won't go up. It'll stay the
 4 same because normally people can pay their utilities.
 5 And that's another -- another tactic if you
 6 actually --
 7 If you don't pay your electric bill and
 8 you get -- your lights are out and you're living in a
 9 subsidized house, a low-income house, you get kicked
 10 out of your house. You get evicted because you can't
 11 afford your -- your utility bills. That's the new way
 12 to get people out their own homes.
 13 So I'm here today to testify with that.
 14 I'd like to get some transcripts and see this -- see
 15 how I sound. But I appreciate y'all guys for coming.
 16 Y'all should do something about this. But they keep
 17 on lying, "Oh, I'll save you money." You're saving
 18 money. I'm not rich. We're not rich. So we need to
 19 dismantle that program aggregation because it's
 20 aggravating the customers. I love you guys. Can't do
 21 nothing without it.
 22 JUDGE SANDOR: One moment, sir.
 23 Any questions from counsel or the
 24 bench?
 25 MS. KINGERY: No, thank you.

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1 JUDGE SANDOR: Thank you, sir. Thank
 2 you very much for your testimony.
 3 MR. PRYOR: Appreciate that.
 4 JUDGE SANDOR: I might have failed to
 5 mention in the beginning, but any witnesses that come
 6 up to testify, counsel or the bench may have questions
 7 for you.
 8 Our next registered witness is Patricia
 9 Tooson. Sorry. It's hard for me to read this last
 10 name. Tooson?
 11 MS. TOOSON: Tooson.
 12 JUDGE SANDOR: Tooson. There we go.
 13 MS. TOOSON: Easy to say.
 14 JUDGE SANDOR: Please raise your right
 15 hand.
 16 WHEREUPON,
 17 PATRICIA TOOSON,
 18 called as a witness and having been first duly sworn
 19 to tell the truth, the whole truth, and nothing but
 20 the truth, was examined and testified as follows:
 21 JUDGE SANDOR: Thank you. Please state
 22 and spell your name for the record.
 23 MS. TOOSON: My name is Patricia
 24 Tooson, Patricia O. Tooson. T-O-O-S-O-N. Tooson.
 25 JUDGE SANDOR: Okay. And then can you

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1 please state -- provide your address?
 2 MS. TOOSON: 2437 Aquarius Drive,
 3 Cincinnati, Ohio 45231.
 4 JUDGE SANDOR: Thank you. Please
 5 proceed.
 6 MS. TOOSON: I wanted to say today to
 7 you all, Duke received 23,000,000 rate increase in
 8 2023. Less than 24 months. There's no reason even to
 9 ask for a rate increase. In my opinion, it's
 10 extortion. We just want you to deny their request for
 11 a rate increase.
 12 And also, before I leave, I want to
 13 share. I'll ask this question. By the way, do you
 14 know that if Duke gets paid, their customers, the ones
 15 they made the errors on, have they paid that back to
 16 them yet?
 17 JUDGE SANDOR: Thank you. So and the
 18 question -- this isn't a question and answer session,
 19 unfortunately.
 20 MS. TOOSON: Oh, that's right.
 21 JUDGE SANDOR: But you can always ask
 22 Duke's counsel -- Duke's counsel or any -- if you need
 23 any other information about this case from PUCO staff.
 24 You're welcome to ask them afterwards.
 25 MS. TOOSON: All right.

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1 JUDGE SANDOR: Okay.
 2 And questions from counsel?
 3 MS. KINGERY: No, thank you.
 4 JUDGE SANDOR: Or the bench?
 5 Thank you very much for your testimony.
 6 Our next registered witness, Okay
 7 Tooson Pastor?
 8 MR. TOOSON: Otis.
 9 JUDGE SANDOR: Otis. Thank you, sir.
 10 Please raise your right hand.
 11 WHEREUPON,
 12 OTIS TOOSON,
 13 called as a witness and having been first duly sworn
 14 to tell the truth, the whole truth, and nothing but
 15 the truth, was examined and testified as follows:
 16 JUDGE SANDOR: Thank you. Please state
 17 and spell your name for the record. And remember,
 18 you'll have to press the button on the microphone
 19 while you speak.
 20 MR. TOOSON: Otis, O-T-I-S, Tooson, T-
 21 O-O-S-O-N Jr. 2437 Aquarius Drive, Cincinnati 45231.
 22 JUDGE SANDOR: Thank you. And please
 23 provide your testimony.
 24 MR. TOOSON: Basically, my complaint is
 25 with dealing with my church. About three or four

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1 times a year, we get a bill for \$500. When we
 2 complain, it goes down to less than \$200. And I don't
 3 understand how we can get overcharged one month, and
 4 when -- if we doesn't say -- if we don't say anything,
 5 nothing happens. But when we do say something, the
 6 bill goes down. So my thing is everyone needs a
 7 regular rate if we can work out in our budget not only
 8 the church, but in our homes. That's all I have to
 9 say.

10 JUDGE SANDOR: Any questions from
 11 counsel?

12 MS. KINGERY: No, Your Honor.

13 JUDGE SANDOR: Or the bench?

14 Thank you very much for your testimony.

15 MR. TOOSON: You're welcome. Have a
 16 blessed day.

17 JUDGE SANDOR: Our next witness is
 18 Werner Lange.

19 Please raise your right hand.

20 WHEREUPON,
 21 WERNER LANGE,
 22 called as a witness and having been first duly sworn
 23 to tell the truth, the whole truth, and nothing but
 24 the truth, was examined and testified as follows:
 25 JUDGE SANDOR: Please state and spell

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1 your name for the record.

2 MR. LANGE: My name is Werner Lange, W-
 3 E-R-N-E-R Lange, L-A-N-G-E.

4 JUDGE SANDOR: You'll have to hold the
 5 mic -- the button down while you speak. And then your
 6 address, please?

7 MR. LANGE: 60 Oliver Road, Cincinnati,
 8 Ohio.

9 JUDGE SANDOR: Please proceed.

10 MR. LANGE: My name is Werner Lange, a
 11 senior citizen resident in a century-old house in
 12 Cincinnati, which requires window air conditioners for
 13 cooling on days like today to save the exorbitant
 14 electric charges imposed by Duke Energy. My elderly
 15 wife and I use air conditioning very sparingly and try
 16 to get through the day and night as best we can.

17 We're senior citizens living largely on
 18 annual social security payments of about 24,000 a
 19 year; a fixed income that can ill afford higher
 20 electrical rates. Now compare that to the annual
 21 compensation of Duke Energy's CEO, Lynn Good, which
 22 comes to over 20,000,000. 168 times the median pay
 23 for Duke employees and enough to support 856 workers
 24 at our social security income.

25 No wonder CEO Good is quoted in a Duke

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1 press release last month as saying, "We've had an
 2 excellent first half of the year." The same cannot be
 3 said for senior citizens like us or the overwhelming
 4 majority of Duke's Ohio hundreds of thousands of
 5 customers who largely struggle from paycheck to
 6 paycheck or day to day to survive.

7 Struggling to survive is, however,
 8 hardly an issue for Duke Energy. According to its
 9 latest annual report, it hauled in a total operating
 10 revenue of over \$29,000,000,000, dishing out a record
 11 \$5.56 per share to its insatiable shareholders. Its
 12 subsidiary, Duke Energy Ohio, enjoyed a 2023 operating
 13 revenue of over \$2.5 billion, an increase of some
 14 145,000,000 compared to 2022, largely due to electric
 15 rate hikes granted by the PUCO.

16 In fact, the PUCO, as you know, has
 17 been very, very generous in granting Duke Ohio rate
 18 increases. In 2021, Duke requested 23,000,000 and the
 19 PUCO granted it, despite objections from the Ohio
 20 Consumer Council. In 2022, Duke requested a
 21 32,000,000 increase in electric rates, and the PUCO
 22 okayed it, again despite strenuous objection from the
 23 Ohio Consumer Council.

24 And here we are in 2024, and they're
 25 demanding another rate increase to enrich their

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1 shareholders and enhance the bloated incomes of their
 2 overpaid executives. Make no mistake. This rate hike
 3 has nothing to do with improving service. It is, like
 4 the previous one, a sheer money grab at the expense of
 5 hard-pressed consumers. Perhaps not as corrupt as
 6 what FirstEnergy did with its massive bribery of state
 7 officials, but nevertheless, one that clearly places
 8 private profit over public welfare and the common
 9 good.

10 Let me close with these immortal words
 11 of a progressive Ohio mayor over a century ago.
 12 Quote, "The public utility corporations are a bunch of
 13 thieves. I believe in the municipal ownership of
 14 waterworks, of parks, of schools, of utilities. I
 15 believe in the municipal ownership of these monopolies
 16 because if you do not own them, they in turn will own
 17 you. They will rule your parties, corrupt your
 18 institutions, and finally, destroy your liberties."

19 This message from Tom Johnson rings
 20 truer today than ever before. Do the right thing.
 21 Refuse the rate hike proposed by this bunch of
 22 thieves. Thank you.

23 JUDGE SANDOR: Any questions from
 24 counsel or the bench?

25 Okay. Thank you for your testimony.

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1 Our next witness is Dimitry [sic]
 2 Orlet.
 3 Please raise your right hand.
 4 WHEREUPON,
 5 DIMITY ORLET,
 6 called as a witness and having been first duly sworn
 7 to tell the truth, the whole truth, and nothing but
 8 the truth, was examined and testified as follows:
 9 JUDGE SANDOR: Please state and spell
 10 your name for the record.
 11 MS. ORLET: Dimity Orlet. It's spelled
 12 D-I-M-I-T-Y O-R-L-E-T. And I'm appearing in my
 13 capacity as Executive Director for Pro Seniors. It's
 14 a nonprofit organization. That address is 7162
 15 Reading Road, Suite 1150, 45237.
 16 JUDGE SANDOR: Okay. Please proceed.
 17 MS. ORLET: Thank you.
 18 Again, I'm here on behalf of Pro
 19 Seniors. I'm the executive director of Pro Seniors.
 20 We are an Ohio nonprofit organization. Our offices
 21 are here in Cincinnati, but we provide statewide
 22 services focused on, as you might guess by our name,
 23 older adults. And so that includes legal advocacy as
 24 well as long-term care advocacy.
 25 But one of our primary functions is

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1 having a statewide legal helpline. Anyone over 60 who
 2 lives in Ohio qualifies for that service. And last
 3 year, we helped more than 12,000 people on -- with
 4 legal helpline calls. And that gives us an
 5 opportunity to see trends and changes in circumstances
 6 for seniors.
 7 And in the last year or so, and
 8 certainly coming out of COVID, we are seeing more and
 9 more seniors really desperately struggling due to
 10 their low to moderate fixed incomes to meet basic
 11 needs, and really a perfect storm of changes in
 12 property valuations and property taxes, inflation of
 13 groceries. But also, utility costs are leaving
 14 seniors who, you know, worked all their lives to be in
 15 difficult positions to maintain basic needs.
 16 And my colleague, Mike Walters, who
 17 manages our helpline attorney did file written
 18 testimony, but I wanted to be here in person. But I'd
 19 like to share some of his comments. And so what he
 20 described as the perfect storm of increases in the
 21 costs of food, housing. These have a disproportionate
 22 effect on retired persons whose social security and
 23 pension benefits have not kept them paced with
 24 inflation.
 25 I want to note that I know there are

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1 some proposed benefits or assistance for seniors,
 2 and -- while we appreciate those, they're
 3 unfortunately insufficient to assist many of the
 4 individuals that we're hearing from. And it's been
 5 noted previously, the recent significant increase of
 6 \$23,000,000 really compounds the challenges that
 7 seniors would face if this was -- this increase was to
 8 be granted.
 9 I -- I also want to make special note
 10 of our concern, and I know it's a longstanding option
 11 to file as a ESP, but we do support the consumer
 12 council's efforts to try to change that possibility to
 13 be more protective to seniors and not to be able to
 14 use this rider process that offers reduced protection
 15 and evaluation of rate increases like this.
 16 So on behalf of older adults in Ohio,
 17 consumers that we serve, we hope that the PUCO would
 18 say, "Enough." Older adults are struggling to make
 19 ends meet, and that we would hope you consider
 20 opposing this increase to -- that would further
 21 exacerbate those circumstances. Thank you.
 22 JUDGE SANDOR: Any questions from
 23 counsel?
 24 MS. KINGERY: No questions, Your Honor.
 25 JUDGE SANDOR: From the bench?

Page 25

1 Thank you very much for your testimony.
 2 All right. Next witness is Stanford
 3 Poole.
 4 MR. POOLE: I'm Stanford Poole.
 5 JUDGE SANDOR: One moment. Please
 6 raise your right hand.
 7 WHEREUPON,
 8 STANFORD POOLE,
 9 called as a witness and having been first duly sworn
 10 to tell the truth, the whole truth, and nothing but
 11 the truth, was examined and testified as follows:
 12 JUDGE SANDOR: Thank you. Please state
 13 and spell your name for the record.
 14 MR. POOLE: My name is Stanford Poole.
 15 S-T-A-N-F-O-R-D Poole, P-O-O-L-E.
 16 JUDGE SANDOR: And please provide your
 17 address.
 18 MR. POOLE: 5701 Luhn Avenue,
 19 Madisonville, Ohio 45227.
 20 JUDGE SANDOR: Please go ahead.
 21 MR. POOLE: Yeah. A lot of people here
 22 has come down and suffered. The city of Cincinnati
 23 and Columbus have come up with different ways to get
 24 money from the poor people. As we look at COVID, we
 25 came out of COVID, the city of Cincinnati changed the

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1 water rates to every month, selling every three
 2 months, and raised that where you barely can get water
 3 in your house and take a bath or wash your face.
 4 Then we come up with the -- the
 5 property taxes. You get overtaxed the property taxes
 6 to make sure that nobody get above poverty level, to
 7 keep the rich people in power. And this is a crime.
 8 We had Householder up in Columbus scheming, got 21
 9 years. We should have more people going to jail with
 10 this utilities stuff and -- and they out.
 11 But the thing is, how could you take
 12 money from poor people on fixed income? You got city
 13 here taking property from people illegally, not paying
 14 attention to the we the people. They're taking care
 15 of all the rich people in Hyde Park and Mt. Adams and
 16 Indian Hill and contractors, DC, 3C, and 4. This is a
 17 crime.
 18 And if -- if the elected people come up
 19 here and want to do for the people, not just for your
 20 rich friends and greed and a money grab, you got to do
 21 your job. You took a -- a oath with a right hand, not
 22 the left hand, left foot, left buttocks. So the
 23 people are tired of being a pawn, taken advantage of.
 24 Your water rates. You put it on the food, the taxes.
 25 You're taking our property, walking off with the

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1 property and don't pay nothing, telling somebody that
 2 you're trying to help the neighborhood. That's a
 3 crime.
 4 City council is not doing their job.
 5 City manager ain't doing their job. The building
 6 department and the law department here is doing
 7 criminal stuff. And we asked for Columbus to do
 8 something, and they turned their heads. This is a
 9 crime. When can you go home and get up in the morning
 10 and wash your face and look at your family and knowing
 11 you're doing stuff to we the people? And that's a
 12 crime.
 13 We are tired of being peasants and you
 14 being kings and queens. That's city council up in
 15 Columbus. And Duke should not get a raise. If I ask
 16 a question, when did Duke or any other utility company
 17 came up and ask for a raise, no matter if one to 50,
 18 and they got nothing? Well, I have one question.
 19 When did any utilities company ask for a raise and got
 20 a zero?
 21 Every time they would go, they'll say,
 22 "We're going to get seven, so we'll ask for 15. We'll
 23 get seven." The people behind me, the people out
 24 there in Cincinnati been bamboozled and got nothing.
 25 But the utility company got something every time they

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1 came up and asked. Crime.
 2 JUDGE SANDOR: And questions, counsel?
 3 Or the bench?
 4 Thank you very much for your testimony,
 5 sir.
 6 Our next witness is Phil Rich.
 7 Please raise your right hand.
 8 WHEREUPON,
 9 PHIL RICH,
 10 called as a witness and having been first duly sworn
 11 to tell the truth, the whole truth, and nothing but
 12 the truth, was examined and testified as follows:
 13 MR. RICH: Phil Rich. P-H-I-L R-I-C-H.
 14 And I'm here in my capacity as an attorney for the
 15 Legal Aid Society of Greater Cincinnati on behalf of
 16 our clients. And our address is 215 East 9th Street,
 17 Suite 200, Cincinnati, Ohio 45202.
 18 JUDGE SANDOR: Please proceed.
 19 MR. RICH: What I'm here today to do
 20 is, on behalf of my clients, place Duke Energy's
 21 request in the context of southwest Ohioans'
 22 experience, practical day-to-day experience, with Duke
 23 Energy as a company and what that looks like and what
 24 people are feeling.
 25 I'm a utility advocate. I take the

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1 bulk of our utility cases. I spend a lot of time on
 2 the phone with Duke Energy with clients trying to
 3 resolve problems. Through those experiences, I've
 4 experienced the following. Clients getting bills for
 5 months saying the same thing, \$0, maybe \$50. People
 6 calling and spending hours on the phone, not getting
 7 any kind of explanation about what's happening.
 8 Their online accounts saying bizarre
 9 things, bills changing. You'll have Duke Energy
 10 sending someone to collections for a debt that they
 11 can't provide evidence for. And then the customer
 12 service line will give, like, certain explanations
 13 that are just blatantly incorrect, and you know it at
 14 the time, and you can advise your client afterwards.
 15 But what about the people who don't have a lawyer on
 16 the phone with them?
 17 That's what people are dealing with at
 18 Duke Energy day-to-day since their billing
 19 inaccuracies came up in early 2022 connected with
 20 their new billing system. You may have seen recently
 21 that Duke -- Duke Energy quite literally shut off
 22 someone's electricity because someone with their same
 23 name in Florida opened an account. Duke has admitted
 24 to over 100,000 billing errors. That's over just two-
 25 and-a-half-year period.

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1 And finally, literally three years
 2 later in a different PUCO case, Duke is starting to
 3 kind of address and begin to try to fix these
 4 problems. And part of that solution nearly three
 5 years later is still for Duke to get an auditor to try
 6 to identify the problem, to try to figure it out,
 7 right? And they have over three years of this problem
 8 happening, and they're just now deciding that they
 9 need to decide what the problem is. That's
 10 fundamentally absurd.

11 Everything that my clients have
 12 experienced in the last two to three years tells me
 13 one thing. There's just not an adult in the room at
 14 Duke Energy. In that context, that experience must
 15 factor into PUCO's understanding of this ESP request.
 16 Because their untrustworthiness, the community's
 17 experience with Duke Energy and how we feel about Duke
 18 Energy matters to the credibility of what they're
 19 asking for.

20 And so on behalf of my clients, please
 21 reject this proposed ESP. Thank you.

22 JUDGE SANDOR: Questions from counsel?
 23 MS. KINGERY: Nothing, Your Honor.
 24 Thank you.
 25 JUDGE SANDOR: Or the bench?

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1 Thank you for your testimony.
 2 Our next witness is Will Gerhardt.
 3 Please raise your right hand.
 4 WHEREUPON,
 5 WILL GERHARDT,
 6 called as a witness and having been first duly sworn
 7 to tell the truth, the whole truth, and nothing but
 8 the truth, was examined and testified as follows:
 9 JUDGE SANDOR: Please state and spell
 10 your name for the record.
 11 MR. GERHARDT: Will Gerhardt. W-I-L-L
 12 G-E-R-H-A-R-D-T.
 13 JUDGE SANDOR: And please provide your
 14 address.
 15 MR. GERHARDT: 5649 Kenwood Road,
 16 Cincinnati, Ohio 45227.
 17 JUDGE SANDOR: Please go ahead.
 18 MR. GERHARDT: Good evening. Thanks
 19 for allowing me to come speak in support of Duke
 20 Energy's electric security plan. My name is Will
 21 Gerhardt, and I work for the Cincinnati Regional
 22 Chamber as the manager of government affairs.
 23 The chamber serves businesses located
 24 in the 15 county Cincinnati NSA with a focus on
 25 driving high-impact growth-minded initiatives that

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1 keep our region competitive and thriving. An
 2 essential component to ensure that our region can
 3 thrive is having infrastructure that can support and
 4 encourage growth. We need infrastructure that is
 5 dependable and reliable.

6 Duke Energy Ohio's commitment to
 7 strengthening our electric grid is vital to ensuring
 8 that we have that dependable and reliable base in our
 9 region for companies to prosper and attract new
 10 employers to southwest Ohio. Our region needs
 11 reliable and modern service to support growth,
 12 economic development, and our members' prosperity.

13 Investing in energy infrastructure
 14 helps create jobs and positions our region for long-
 15 term growth. Duke is a partner to this growth,
 16 keeping our -- our systems modern and carefully
 17 considering the impact on affordability. Our region
 18 is making significant efforts into the development and
 19 redevelopment of our urban core, which will drive
 20 continued growth for the Cincinnati region.

21 Projects like Duke Energy Ohio's
 22 upcoming infrastructure investments in the West End
 23 neighborhood are all critical parts of these efforts.
 24 This effort aligns with upcoming improvements within
 25 the Brent Spence Bridge corridor. We need safe,

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1 reliable infrastructure to support our growth in
 2 cutting-edge electric industry technologies that are
 3 an essential part of this plan.

4 The chamber appreciates the great
 5 partner Duke Energy Ohio is within our region and the
 6 important role they play in both community and
 7 economic development. We hope you'll take such into
 8 consideration as you review their plans for strategic
 9 investments in our region. Thank you.

10 JUDGE SANDOR: Questions from counsel?
 11 MS. KINGERY: No, thank you.
 12 JUDGE SANDOR: Please go ahead.
 13 MR. FINNIGAN: Good evening. My name
 14 is John Finnigan with the Office of Ohio Consumers'
 15 Counsel. Would it be easier for you if you were
 16 turned around?
 17 JUDGE SANDOR: Go ahead. You can cross
 18 the barrier if you'd like or stand there.
 19 MR. FINNIGAN: I can cross the barrier?
 20 That sounds ominous.
 21 JUDGE SANDOR: Yeah. Don't get too
 22 close.
 23 MR. FINNIGAN: Thank you.
 24 If I could just ask a few questions.
 25 Sir, do you know how much of an increase Duke is

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1 asking for in this case?

2 MR. GERHARDT: I know it's over the

3 next three years and it's incrementally increased over

4 the next three years. I don't have the numbers on

5 my -- on hand right now.

6 MR. FINNIGAN: Do you know how much it

7 will cost -- or how much it will increase people's

8 bills?

9 MR. GERHARDT: I do not.

10 MR. FINNIGAN: You've heard some of the

11 people talking this evening about the impact that

12 these increases are having on them during this time of

13 high property taxes, of inflation, of groceries going

14 up, and things like that. Do you give credit to any

15 of their testimony?

16 MR. GERHARDT: It's relatable. As

17 anybody, with the cost of living increasing,

18 everything's going to be tough. But we have to make

19 very structured investments into key parts of our

20 infrastructure if we want to continue growing as a

21 region.

22 MR. FINNIGAN: Do you think that it

23 would be reasonable for the public utilities

24 commission to balance the amount of increase asked for

25 by Duke with the impact on all these people here that

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1 we've heard about too?

2 MR. GERHARDT: I'm not entirely sure

3 how to answer that. It would need to be another

4 conversation to dive into that before I could make a

5 recommendation or stance one way or the other.

6 MR. FINNIGAN: Are you aware that the

7 public utilities commission has a professional staff

8 that reviews all aspects of Duke's application and

9 makes a recommendation to the commission on whether

10 that application is just and reasonable or, I should

11 say, what amount of the application is just and

12 reasonable? Are you aware of that process?

13 MR. GERHARDT: To an extent.

14 MR. FINNIGAN: You're not suggesting

15 that they should change that process, are you?

16 MR. GERHARDT: I'm here to speak in

17 support of Duke Energy's electric security plan.

18 MR. FINNIGAN: Even though you don't

19 know how much they're asking for?

20 MR. GERHARDT: I don't have the amounts

21 on hand.

22 MR. FINNIGAN: So are you saying that

23 they should get any amount they request?

24 MR. GERHARDT: Just because I can't

25 recall specific amounts doesn't mean that I'm saying

Page 36

1 that.

2 MR. FINNIGAN: Do you think it's

3 reasonable for the commission and their staff to do

4 their investigation and determine what amount for an

5 increase would be just and reasonable?

6 MR. GERHARDT: Again, I -- I would need

7 to have more information and more conversation around

8 that before I can make a yes or no answer to that.

9 MR. FINNIGAN: Okay. So you don't even

10 accept the commission's role as the final arbiter as

11 to what's just and reasonable?

12 MR. GERHARDT: That's not what I'm

13 saying.

14 MR. FINNIGAN: What are you saying?

15 MR. GERHARDT: I'm saying I don't have

16 the information that you're looking for right now on

17 hand and I can't recall on hand, and so I can't give

18 you a definite answer right now.

19 MR. FINNIGAN: But you are saying

20 that -- or I should ask. Are you saying that even

21 though you don't know the amount of the increase Duke

22 is asking for, it should be granted?

23 MR. GERHARDT: I believe Duke Energy is

24 a good faith partner to this region, and that's why

25 the Cincinnati Chamber of Commerce is supporting their

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1 electric security plan that they have proposed here.

2 MR. FINNIGAN: Does that mean they

3 should get any amount of increase they asked for?

4 MR. GERHARDT: I feel like I already

5 addressed that I -- I can't give you the direct answer

6 that you're looking for right now.

7 JUDGE SANDOR: Mr. Finnigan, I think

8 you asked that question several times.

9 MR. FINNIGAN: That's all the questions

10 I have. Thank you.

11 JUDGE SANDOR: Any other questions from

12 the bench? Okay.

13 Thank you very much for your testimony.

14 Our next registered witness is Andrew

15 McAfee.

16 Please raise your right hand.

17 WHEREUPON,

18 ANDREW MCAFEE,

19 called as a witness and having been first duly sworn

20 to tell the truth, the whole truth, and nothing but

21 the truth, was examined and testified as follows:

22 JUDGE SANDOR: Please state and spell

23 your name for the record.

24 MR. MCAFEE: My name is Andrew McAfee.

25 M-C-A-F-E-E.

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1 Good evening, Commissioner. Good
 2 evening --
 3 JUDGE SANDOR: And your address?
 4 MR. MCAFEE: 4925 Whispering Creek
 5 Court, Maineville, Ohio 45039.
 6 JUDGE SANDOR: Please go ahead.
 7 MR. MCAFEE: Good evening,
 8 Commissioner.
 9 Good evening, Your Honors.
 10 My name is Andrew McAfee. I am the
 11 vice president of the Clermont County Chamber of
 12 Commerce. For more than 50 years, the Clermont County
 13 Chamber of Commerce has been committed to advancing
 14 civic, commercial, industrial, and agricultural
 15 interests in Clermont County. Our chamber represents
 16 a collective interest of over 500 member companies and
 17 over 30,000 employees, including some companies like
 18 American Modern, Mercy Health, Total Quality
 19 Logistics, and Nestle Purina.
 20 For our community to thrive, we need
 21 dependable infrastructure that not only supports the
 22 needs of today, but also paves the way for future
 23 developments. Duke Energy's ESP is critical to this
 24 effort, and we fully support their investments and
 25 strategic plans to strengthen our electrical grid.

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1 We commend Duke Energy for their plans
 2 to streamline the funding mechanism to leverage state
 3 and federal grants maximizing the benefits of public
 4 and private investments into our local system, create
 5 an opportunity for future battery storage projects,
 6 positioning southwest Ohio at the forefront of
 7 innovative energy solutions, and support the
 8 transition to clean energy by implementing an EV
 9 credit for customers, and introducing an EV fleet
 10 advisory program.
 11 These forward-looking initiatives will
 12 help maintain our region's competitiveness and ensure
 13 the growth benefits all segments of our community.
 14 Additionally, the ESP maintains existing riders and
 15 proposes sensible adjustments to establishing caps,
 16 ensuring fairness over the term of the plan. I also
 17 want to highlight Duke Energy's commitment to
 18 affordability through offering the one-time bill
 19 credit of up to \$300 for qualifying senior citizens.
 20 Energy efficiency remains a priority
 21 when six residential offerings and two non-residential
 22 programs being reestablished ensuring needs are met
 23 beyond just market-based approaches. This will
 24 provide a significant boost to sustainability and
 25 cost-effectiveness for businesses and residents.

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1 We are fortunate to have Duke Energy as
 2 a trusted partner in both the community and economic
 3 development. Their ongoing commitment to improving
 4 our electrical grid, supporting clean energy, and
 5 ensuring affordable and reliable energy is vital to
 6 our region's continued success. I urge you to support
 7 these strategic investments, which are essential for
 8 Clermont County and southwest Ohio. Thank you for
 9 your time.
 10 JUDGE SANDOR: Questions from counsel?
 11 MR. FINNIGAN: Thank you, Your Honor.
 12 Good evening, sir. John Finnigan on
 13 behalf of the Ohio Consumers' Counsel. Sir, did
 14 anyone ask you to appear here tonight and to testify
 15 on behalf of Duke Energy?
 16 MR. MCAFEE: Duke Energy is a strong
 17 supporter of the Clermont Chamber of Commerce, so we
 18 were made aware of this hearing. But the testimony
 19 itself comes from the chamber of commerce and on
 20 behalf of our members.
 21 MR. FINNIGAN: And so, your answer was
 22 someone did ask you to come down here to testify here?
 23 MR. MCAFEE: We were made aware of this
 24 hearing.
 25 MR. FINNIGAN: Who made you aware?

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1 MR. MCAFEE: Duke Energy through their
 2 partnership with the Clermont Chamber.
 3 MR. FINNIGAN: And who was that person
 4 from Duke Energy?
 5 MR. MCAFEE: I'm not sure.
 6 MR. FINNIGAN: But in any event, that
 7 person asked you to come down here and make an
 8 appearance on their behalf to support this rate
 9 increase.
 10 MR. MCAFEE: We were made aware that
 11 this hearing was taking place.
 12 MR. FINNIGAN: Do you know how much of
 13 an increase Duke is asking for?
 14 MR. MCAFEE: I know it's spread over
 15 three years. I know the average increase that a
 16 homeowner might see is, I think, around 120, \$130 a
 17 month. I don't know what the total number is. I
 18 don't have that number.
 19 MR. FINNIGAN: Now, does anyone from
 20 Duke Energy sit on the board of the Clermont County
 21 Chamber of Commerce?
 22 MR. MCAFEE: Yes.
 23 MR. FINNIGAN: Who would that be?
 24 MR. MCAFEE: Chad Shaffer.
 25 MR. FINNIGAN: And does Duke contribute

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1 to the Clermont County Chamber of Commerce?
 2 MR. MCAFEE: They are members of the
 3 Clermont Chamber of Commerce. Yes.
 4 MR. FINNIGAN: And do board members
 5 also make individual contributions?
 6 MR. MCAFEE: Not that I'm aware of.
 7 MR. FINNIGAN: But Duke is a financial
 8 supporter of the chamber of commerce?
 9 MR. MCAFEE: Duke is a member of the
 10 chamber of commerce. Yes.
 11 MR. FINNIGAN: And are you aware of the
 12 process that the public utilities commission goes
 13 through to review these rate increases and reach a
 14 decision as to whether they're fair and reasonable?
 15 MR. MCAFEE: Yes.
 16 MR. FINNIGAN: Now, you're not
 17 suggesting that the PUCO should disregard that process
 18 in this case, are you?
 19 MR. MCAFEE: That's not what I'm
 20 saying. No.
 21 MR. FINNIGAN: And you -- you haven't
 22 reviewed the application Duke filed to make your own
 23 determination as to whether it's just and reasonable.
 24 Have you?
 25 MR. MCAFEE: I reviewed it.

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1 MR. FINNIGAN: Are you a professional
 2 in the field of utility rates?
 3 MR. MCAFEE: No.
 4 MR. FINNIGAN: Now, you've heard the
 5 testimony of all these folks who have been up here
 6 before you that have testified what a burden this rate
 7 increase would be on them because of rising gasoline
 8 prices, rising prices for other energy costs, rent,
 9 groceries, property taxes, those sorts of things. Do
 10 you think that those are factors that the commission
 11 should take into account and balance that against the
 12 amount of the increase Duke should get?
 13 MD. MCAFEE: Considering that is the
 14 role of the commission, I would say that it would be
 15 fair for them to assess everyone that gives testimony.
 16 MR. FINNIGAN: That's all the questions
 17 I have. Thank you.
 18 MR. MCAFEE: Thank you.
 19 JUDGE SANDOR: Any questions for the
 20 bench?
 21 Thank you very much for your testimony.
 22 Our next witness, and this is the
 23 second to last witness, Sasha Sceniak. Or Sceniak.
 24 Please raise your right hand. Thank
 25 you.

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1 WHEREUPON,
 2 SASHA SCENIAK,
 3 called as a witness and having been first duly sworn
 4 to tell the truth, the whole truth, and nothing but
 5 the truth, was examined and testified as follows:
 6 JUDGE SANDOR: Please state and spell
 7 your name for the record.
 8 MS. SCENIAK: My name is Sasha, S-A-S-
 9 H-A, Sceniak, S-C-E-N-I-A-K.
 10 JUDGE SANDOR: And your address?
 11 MR. SCENIAK: 2277 Forthmann Place,
 12 Floor Two, Cincinnati, Ohio 45211.
 13 JUDGE SANDOR: Please go ahead and give
 14 your testimony.
 15 MS. SCENIAK: I was -- must first
 16 please apologize to everyone. I am hard of hearing
 17 and English is not my first language. I have
 18 practiced my entire life. I was really inspired on
 19 July 26th of 1990. I was eight years old, and I saw
 20 the Americans with Disabilities Act passed. It was a
 21 really exciting moment.
 22 I learned about Helen Keller, and I saw
 23 Mr. Smith Goes to Washington, and so I've been
 24 practicing, and I wrote a very long speech because I
 25 thought I would have the opportunity to speak. But no

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1 one told me I needed a lawyer, or this was going to be
 2 used against me if I used wrong words because there's
 3 cross-examination. So I'm going to just be very clear
 4 and -- and concise with what I know with the new
 5 is -- I understood I just learned, my rate might go up
 6 \$130 a month because of this increase.
 7 I am someone who I am only on
 8 disability because my cancer has come back. I never
 9 got disability for being hard of hearing. I actually
 10 have a bachelor's in science from University of
 11 Illinois in Urbana-Champaign, and I recently went to
 12 Gallaudet University in DC to apply for my master's in
 13 neurolinguistics and hopefully someday my PhD.
 14 I, however, have never made more than
 15 \$15,000 a year. And so right now with cancer, I
 16 make -- well, there was a miscommunication during
 17 COVID, so they're docking my pay, and I don't
 18 understand, and I had to go to a hearing because the
 19 AI said I make \$8,000 a month. But actually, I make
 20 \$8,000 and seven -- or 8,700, and I forget the exact,
 21 for the entire year.
 22 I also, from Humana Insurance, get an
 23 extra \$150 per month I can spend on groceries. I am
 24 very fortunate because I do have health coverage while
 25 I battle cancer, but with the 8,000 -- and my property

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1 taxes went up 110 percent and I got three weeks'
 2 notice this year. So they were \$2,000. So I just
 3 did quick math, but at \$8,700 a year and \$2,500 for
 4 property tax -- and please forgive me if I did my math
 5 wrong -- that's \$6,200 for me to live on for the
 6 entire year.
 7 And so if I -- if I take out my
 8 property taxes before and divide it by 12, that's \$516
 9 per month for me to live on. So that \$120, that's a
 10 pretty serious -- and I know I -- I am not as well-
 11 trained as the people here from chamber of congress.
 12 I don't have a law degree.
 13 I'm not -- I'm not someone who's -- I'm
 14 just someone who provided at-home hospice care for my
 15 grandmother while she had breast cancer here in West
 16 Side Cincinnati. It was the greatest honor of my
 17 life. She was born at home across from Wrigley in
 18 Chicago and she asked me if I could provide for her.
 19 And I did. And I -- I couldn't work all the time
 20 because, you know, and so I had to temp and I -- it
 21 limited my income potential. And then cancer happened
 22 and she's not here.
 23 So if I did the math wrong, I -- I'm
 24 greatly sorry. I'm just trying to explain to everyone
 25 that I really want to be a good American. I was

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1 really inspired by Charlie. He was someone who Pearl
 2 Harbor happened when he was 16 and he signed up and he
 3 served, and he served in World War II, and he retired
 4 during Korea. And he always taught me -- I took care
 5 of him until he passed away. He was my father-in-law.
 6 And I was supposed to, as an American, stand up and
 7 say things about what was going on and do my duty as
 8 an American citizen.
 9 So I'm sorry if I didn't use words
 10 right and if I was improper in any way or unclear. I
 11 was just trying to make very clear so the information
 12 for everyone was there that I am someone who has never
 13 been arrested, I have worked all of my life, and I
 14 continue to. I hope to be a PhD and help other people
 15 like me. I had the greatest honor of America because
 16 I got to take care of my grammy, and she died in my
 17 living room right here in Westwood, Cincinnati.
 18 And it was a real hardship because even
 19 though I've never missed a bill, not even once, we had
 20 to keep ice in the freezer because Duke sometimes just
 21 shuts off the electricity. I don't know why. And
 22 it's hard for me with phone trees. Especially since
 23 COVID, I get confused. But I keep ice in the freezer
 24 so the food -- I only get that 150 a month -- so it
 25 doesn't go bad.

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1 And I've never missed a bill, even if I
 2 don't have other things. My dog and my grandma and my
 3 mom. She has dementia. And she's not with me right
 4 now while I have the cancer because it's too hard for
 5 her to take care -- to see me go through this after we
 6 lost grandma.
 7 But I -- I will walk to my cancers
 8 appointments myself and I will go to GU and I will try
 9 to make the world a better place because I was
 10 inspired by my -- my grandfathers who fought in World
 11 War II. And they always told me it was my job to
 12 always try to do my best and be here and never leave a
 13 man behind and never put a man down and always tell
 14 the truth.
 15 And so I came and I hope I did my best
 16 Mr. Smith Goes to Washington and I didn't do any words
 17 wrong so that I can clearly state that for me, if I
 18 only have \$516 plus the 150 from Humana -- although,
 19 if they change or renegotiate, that could always go
 20 away -- for all of my expenses, the \$120 will be kind
 21 of a hardship for me.
 22 But I know it's America and it's my job
 23 to overcome, find myself a bootstraps, even if I have
 24 to go make a cow and tan that leather myself. And I
 25 will overcome. But I just really wish -- it seems

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1 like it doesn't seem equal and fair, and I thought
 2 that was something that was also important in our
 3 country. Thank you for all of your time.
 4 JUDGE SANDOR: Any questions?
 5 Thank you. We really appreciate you
 6 coming down to testify today. Thank you.
 7 Our next witness is Ethan Osborne.
 8 Please raise your right hand.
 9 WHEREUPON,
 10 ETHAN OSBORNE,
 11 called as a witness and having been first duly sworn
 12 to tell the truth, the whole truth, and nothing but
 13 the truth, was examined and testified as follows:
 14 JUDGE SANDOR: Please state and spell
 15 your name for the record.
 16 MR. OSBORNE: Ethan Osborne. E-T-H-A-N
 17 O-S-B-O-R-N-E.
 18 JUDGE SANDOR: Please provide your
 19 address.
 20 MR. OSBORNE: 2023 Ellick Road,
 21 Batavia, Ohio 45103.
 22 JUDGE SANDOR: Please go ahead.
 23 MR. OSBORNE: My name is Ethan Osborne,
 24 and I am a wildland firefighter and arborist who lives
 25 in a drafty, rural farmhouse. Over half of my income

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1 is spent on housing and utilities. And as a wildland
2 firefighter --
3 JUDGE SANDOR: Sorry, sir. Can you
4 press the microphone button?
5 MR. OSBORNE: Oh, sorry.
6 JUDGE SANDOR: While you speak. Thank
7 you.
8 MR. OSBORNE: Okay. Let me -- let me
9 try again here. My name is Ethan Osborne. I'm a
10 wildland firefighter and arborist. And I live in a
11 drafty, rural farmhouse and over half of my income is
12 spent on housing and utility bills. And as a wildland
13 firefighter, I know the effects of unaccountable,
14 corrupt utility companies like PG&E and their
15 devastating effects on public health and the
16 environment.
17 Duke Energy is no better. This rate
18 increase is a slap in the face to the working class.
19 Not one penny more should be paid by the working class
20 to Duke Energy. This is merely incremental conformity
21 to infinitely rising artificially manipulated prices
22 by viciously corrupt corporation Duke Energy. Lynn
23 Good is worth 73,000,000 and made 20,000,000 in 2023.
24 Instead of raising rates and
25 continuously gouging the struggling masses, how about

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1 we abolish her CEO position and expropriate Duke's
2 ill-gotten gains to pay for these rate increases? Our
3 natural resources belong to all of us. And the answer
4 to this problem is not paying and fattening this pig
5 corporation any longer but nationalizing our utilities
6 into public ownership and the abolition of the ruling
7 class elites and CEOs and the expropriation of their
8 wealth back to the masses.
9 JUDGE SANDOR: Questions from counsel
10 or the bench?
11 Thanks for your testimony.
12 I spoke too soon. We have an extra
13 sheet here. I'm having trouble reading the first
14 name. The last name is Franklin.
15 MS. FRANKLIN: Charlotte.
16 JUDGE SANDOR: Oh, okay. Yes. Please
17 come forward. Please raise your right hand.
18 WHEREUPON,
19 CHARLOTTE FRANKLIN,
20 called as a witness and having been first duly sworn
21 to tell the truth, the whole truth, and nothing but
22 the truth, was examined and testified as follows:
23 JUDGE SANDOR: Okay. Thank you.
24 Please state and spell your name for the record, and
25 please hold the button on the microphone down while

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1 you speak.
2 MS. FRANKLIN: Do what?
3 JUDGE SANDOR: Please hold the button
4 on the microphone down while you speak. And please
5 state and spell your name for the record.
6 MS. FRANKLIN: Charlotte L. --
7 JUDGE SANDOR: So do you see the button
8 down on the base of the -- there we go. Perfect. All
9 right. You can go ahead.
10 MS. FRANKLIN: Charlotte L. Tyndale
11 Jones Daniels Franklin Samuels.
12 JUDGE SANDOR: Please provide your
13 address.
14 MS. FRANKLIN: Homeless, as Jesus
15 Christ was. I'm here on behalf of the Heavenly
16 Father, Jehovah, Yahweh, and God Almighty through the
17 blood of Jesus Christ. I am a servant of Christ,
18 child of Most High Almighty. I pray each and every
19 day and night and day and noontime for all my brothers
20 and sisters everywhere upon the face of the universe.
21 But I'm mainly concerned right now, what's going on
22 right here in Ohio.
23 And I'm sorry Alfalfa's not here -- or
24 Amel [ph]. Every time I call, he's never here. He's
25 always using our tax money venturing somewhere else

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1 instead of taking care of business here at home. And
2 you can also relate this to Mike DeWine. And you can
3 also tell Mr. Joe Biden. I have wrote to him and
4 spent my money mailing him a letter. I never got a
5 answer. But they put me in the justice center
6 because, see, I want to pray for my brothers and
7 sisters everywhere.
8 I owe Duke Energy. Yes, I do owe here
9 right now. For every time I attempt to get a
10 residence, I have to be evicted, okay? Why do they
11 have the managers get free rent and sit there and see
12 these people with little bitty kids, infants, people
13 struggling. I have worked two and three jobs trying
14 to maintain a home at 1030 Wellspring. I still can't
15 because I drove my stuff to Columbus to see Governor
16 James Rhodes because he's right here in Cincinnati.
17 Your so-called judge had me locked up
18 because I opened a window on the bus trying to stay
19 alive because, see, people do evil. Speak to the
20 bible. It's written. Y'all don't know about that.
21 But see, the Lord said we're all going to unite
22 together because every tongue going to confess and
23 every knee is going to bow.
24 And I want you to know because, see, I
25 called Duke Energy a while back and I repeated this.

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1 Lord, you have been our dwelling place in all
2 generations. Before the mountains were brought forth.
3 Forever you have formed the earth and the world. It
4 don't say nothing about Cincinnati Gas and Electric or
5 Duke Energy. That consists of everybody here in
6 Cincinnati, Columbus, everywhere in the United States.
7 Okay?

8 Nobody wants to hear the truth. I'm
9 here to tell you the truth and the gospel. Every time
10 I seek to tell the truth, I have to be incarcerated,
11 or I have to be penalized, or I have to be persecuted.
12 Why? Because I want to stand up for what's right. I
13 cried myself to sleep last night because I called one
14 of your so-called important ministers. I'm assistant
15 pastor, okay? In gospel singing.

16 I am born here to sing for the Lord,
17 but nobody wants me to do that, including my mother,
18 who had me probated three times. The first time, it
19 was in Romans. Yeah, I'm homeless right now. I'm
20 like Christ. I don't have a permanent address. But I
21 did sleep last night at 3009 Burnet Avenue, okay? And
22 I'm grateful for the rest.

23 But you know what? Y'all don.t have a
24 heart. God gave everybody a heart, a mind, and a soul
25 to live and love and pray for one another. Ask for

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1 help. See, I recall when my grandparents, before
2 y'all put this -- up, and I resided at 1512 Central
3 Avenue. My grandparents used to get a gas and
4 electric bill from Cincinnati Gas -- an electric bill
5 from Cincinnati Gas Electric. Hey, \$14. \$17. Now
6 you got to pay hundreds of dollars.

7 Right now, I stayed there at
8 North -- at Northgate Apartments, okay? I had to be
9 incarcerated in a mental institution because I
10 wouldn't -- because they're going to overcharge me for
11 my cell phone. Then the police officer tells me after
12 I left and refused to pay the amount they lied about,
13 he's going to take me to Kroger or to Meijers to get
14 something to eat. That's where I was attempting to
15 go.

16 And if you know, there isn't always
17 sidewalks. So I was walking in the barrier, okay?
18 The cars had their right to go on both sides of me,
19 but the police come there and tell me they'll take me.
20 Yeah. They took me down there on Burnet Avenue to
21 University on the sixth floor. Then the guy had to
22 place the apartment, escort me to get a shot every
23 time they want to give me a pill or injection.

24 Then the white one would go stand up on
25 my bed with her shoes and the black -- the white

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1 officer -- wasn't no black there. And I see no half-
2 breeds up here. Okay? And no blacks up here. Okay?
3 Where is the black people? Where are the Indians?
4 Okay? That's where I'm originated from. My parents
5 come from Africa. My ancestors, okay? And Indians.
6 I remember when I was a kid, there was Chinamans down
7 here where we took the laundry -- took our laundry and
8 got them done.

9 JUDGE SANDOR: Let's just make sure we
10 have enough time for everyone --

11 MS. FRANKLIN: But I'm waiting and I'm
12 getting to --

13 JUDGE SANDOR: -- who signed up to
14 testify. Just give a closing statement, if you don't
15 mind.

16 MS. FRANKLIN: I'm not getting to it
17 yet. Let me tell you something. See, y'all got a
18 position, you got a job. That's why you came here.
19 You didn't bring Mike DeWine, okay? You didn't bring
20 Joe Biden, okay? You didn't bring the mayor here,
21 okay? We need help. How many people have you sit on
22 the other side of the universe in the spirit where
23 they froze to death, or they got overheated? Okay?

24 Who was concerned? Long as Duke Energy
25 gets their money. Yes, the first time I had to pay

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1 \$700 because I was incarcerated, okay? Then the next
2 time. I get a bill now. I can't get an apartment
3 because you know why? I won my case twice and the
4 manager tells the judge I did say I'm going to own
5 this apartment complex. But she tells me I have to
6 stay in a room without curtains and blinds, knowing
7 that the mafia are out after me. And you know what?
8 Even immigration.

9 JUDGE SANDOR: A few more -- and I
10 think we might have to move on to the next person.

11 MS. FRANKLIN: Immigration. You know
12 it just as well as I do. I tried to get my ex-husband
13 sent back where I got him from, okay? But didn't
14 nobody want to help me. He's got all these mental
15 institutions. Everybody is crazy, okay? But see,
16 God called them lunatics, okay? And that's what I
17 call.

18 You ain't done nothing to help nobody,
19 so why you come here and want to remodel something
20 that don't have to be remodeled? Take it to somewhere
21 and get a repair. How you got to have that new
22 trucks? You got to get your money?

23 JUDGE SANDOR: Okay --

24 MS. FRANKLIN: Ain't nobody going to
25 give me mine. I work for mine, okay? I did have a

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1 government job.

2 JUDGE SANDOR: Thank you, ma'am.

3 MS. FRANKLIN: But you know I lost it

4 because they got rid of my grandmother and

5 grandfather. Okay?

6 JUDGE SANDOR: Thank you, ma'am.

7 MS. FRANKLIN: Nobody concerned about

8 that. Even the -- government and my kids. Okay?

9 Nobody concerned about that. I got rights. I got

10 liberties. I just want to see justice done for

11 everybody. Give us liberty.

12 JUDGE SANDOR: Thank you, Miss. Thank

13 you very much for your testimony tonight.

14 MS. FRANKLIN: You ain't heard nothing

15 yet.

16 JUDGE SANDOR: Thank you.

17 MS. FRANKLIN: You know what? Beverly

18 Hills went up, and for the first time --

19 JUDGE SANDOR: Okay.

20 MS. FRANKLIN: -- she put me in --

21 JUDGE SANDOR: We really have to move

22 on to the next witness.

23 MS. FRANKLIN: The next time, there was

24 so much though I couldn't even walk to the post

25 office. Okay? But you know what? Don't nobody's job

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1 mean that much to me that if something happened to

2 somebody, I'm going to take off and try to help them

3 because that's what I'm here for. And you better

4 start reading. You know what? They need to start

5 giving these out to people. I'm here about the Holy

6 Bible, but it was too big for my purse, okay?

7 JUDGE SANDOR: [Unintelligible

8 response.]

9 MS. FRANKLIN: Yeah, tell me to shut

10 'cause I don't have no rights because I'm black, okay?

11 Speak the truth.

12 JUDGE SANDOR: Thank you.

13 MS. FRANKLIN: Don't thank me. Thank

14 your boss who's going to pay you when you get back.

15 You tell all of us to go to hell. And kiss my black

16 ass.

17 JUDGE SANDOR: All right.

18 So our next witness -- let's just keep

19 moving on.

20 And let's go back on the record if you

21 went off the record at any point. Let's go back on

22 the record.

23 Leland Ekon is our next witness. I

24 apologize if I'm mispronouncing that. The address is

25 1147 Olivia Lane, Cincinnati.

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1 MR. ECKLER: Pardon the writing.

2 That's Richard Eckler. 1147 Olivia Lane, Cincinnati

3 45237.

4 JUDGE SANDOR: Yes. Yeah. I'll have

5 you repeat that in a second. If you don't mind

6 raising your right hand.

7 MR. ECKLER: Okay. Sure.

8 WHEREUPON,

9 RICHARD ECKLER,

10 called as a witness and having been first duly sworn

11 to tell the truth, the whole truth, and nothing but

12 the truth, was examined and testified as follows:

13 JUDGE SANDOR: Thank you. Please state

14 and spell your name for the record again.

15 MR. ECKLER: Richard Eckler, E-C-K-L-E-

16 R. 1147 Olivia Lane, Cincinnati 45237.

17 JUDGE SANDOR: Please go ahead.

18 MR. ECKLER: Yeah. I want to just let

19 you know that I moved up here from Jacksonville,

20 Florida in January. I was a little shocked to find

21 out that in Jacksonville, I could keep a household

22 with two people, despite air conditioning costs and

23 the rest of this stuff, for an average of about 180,

24 all utilities.

25 Up here, despite having one person, and

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1 I'm running, like 250 kilowatt hours, which is next to

2 nothing, 300 cubic feet, I think, in the -- in the

3 coldest gas. These things run me about \$160. So we

4 start out with -- and the difference is Jacksonville

5 is a publicly owned utility. The nominal electric

6 cost, the -- above user fees and stuff -- is about 10

7 cents a kilowatt hour. Duke's, the best of

8 circumstances, best deal I could find, runs about 60

9 percent above that if my numbers are correct.

10 I took a look at Duke, and it seems

11 like they're doing pretty good. \$20,000,000,000,

12 going on 21 this year. That's up by -- let's see.

13 What is that? Up eight and a half percent from the

14 year before, three and a half percent from the year

15 before that. And their CEO makes \$21,000,000. That's

16 139 to one above the average employee, what the

17 employee gets. The second highest in the -- of all

18 utilities in the United States, near as I can tell.

19 Their gross margins are up. Their net

20 margins are up. Their operating margins are up.

21 Everything I can see tells me that this company is

22 doing fine. And that's all well and good as long as

23 it's made on the up and up. At the same time, what I

24 can see, I can understand what went on between the

25 utility and the city officials where I came from. I

| | |
|--|---|
| <p style="text-align: right;">Page 62</p> <p>1 can't make heads or tails of the way you guys, you 2 know, govern these utilities. 3 Most of the stuff is so complicated and 4 industry-heavy jargon and whatnot that I can't 5 understand it, and there's nothing that tells me, the 6 person who ultimately has to pay this price, why Duke 7 needs these increases year in and year out, year in 8 and year out. They seem to never have a good year, 9 but they never have a bad year. 10 Let's see. What else did I want to 11 say? Oh, the -- I think part of the problem may be 12 how they pay their CEO. Again, one of the highest 13 paid CEOs in the industry. 90 percent of this is 14 stock based. My personal opinion, that makes it very 15 tempting for people who are paid on that basis to 16 manipulate the stock in all the ways that that can be 17 done. 18 I don't know that that's happened, so I 19 won't say it, but it's incredibly tempting, and Duke 20 has been known to, you know, play with their numbers 21 in the past. Duke has also been known to be a problem 22 when it comes to pollution. They spend their money 23 freely, including here in Ohio, in North Carolina, and 24 other places on various influence-peddling methods. I 25 turn up a name, Turner, that some people may be aware</p> | <p style="text-align: right;">Page 64</p> <p>1 to, you know, carry on his career. 2 This is the same governor that has 3 steadfastly, my understanding, refused to put anybody 4 even resembling a public representative on the PUCO 5 board. It's starting to look a little bit like you 6 guys are a captured regulator to me. It really is. I 7 guess that's all I have to say. Thank you. 8 JUDGE SANDOR: Questions from counsel? 9 MS. KINGERY: No, thank you, Your 10 Honor. 11 JUDGE SANDOR: Or the bench? 12 Okay. Thank you, sir, for your 13 testimony. 14 Our next witness is Mary Partee. 15 MS. PARTEE: I'll be here a little 16 longer. Why do you have to hold this thing down? 17 JUDGE SANDOR: That's just how the 18 audio is set up in the room, I think. 19 MS. PARTEE: I think they didn't give 20 you -- 21 JUDGE SANDOR: Okay. Please raise your 22 right hand. 23 // 24 // 25 //</p> |
| <p style="text-align: right;">Page 63</p> <p>1 of. 2 I don't know really what I'm talking 3 about in a lot of ways. But from what I can see, from 4 an outsider's point of view, somebody who hasn't kind 5 of -- a frog who hasn't been boiled in this particular 6 pot. It looks like you have a semblance of oversight, 7 but a -- you know, a Duke dog wagging a PUCO tail. 8 They never get -- they never don't get what they want. 9 Surely somewhere in the history of your 10 dealings with this company, they must have asked for 11 something that they had no right to get, but you've 12 never said no, that I can tell. You don't say no, 13 even when your own people tell you that what they're 14 asking for is far and away above what's justified by 15 their own numbers. You repeat those numbers in the 16 stuff that you put out that I got from you. 17 Your own people are telling you they 18 don't deserve this. They certainly don't deserve 19 anything near what they're asking for, and yet, I 20 haven't heard anything from you that says you believe 21 your people over and above Duke's people. I think 22 it's a problem that PUCO is -- is appointed by a 23 governor who, number one, has to raise a lot of money 24 from companies and people like Duke to get elected and 25 to stay in power and to please his constituents and</p> | <p style="text-align: right;">Page 65</p> <p>1 WHEREUPON, 2 MARY PARTEE, 3 called as a witness and having been first duly sworn 4 to tell the truth, the whole truth, and nothing but 5 the truth, was examined and testified as follows: 6 JUDGE SANDOR: Thank you. Please state 7 and spell your name for the record. 8 MS. PARTEE: It's Mary Partee, and it's 9 M-A-R-Y P-A-R-T-E-E. 10 JUDGE SANDOR: And please provide your 11 address. 12 MS. PARTEE: 3335 Wabash, Cincinnati, 13 Ohio 45207. 14 JUDGE SANDOR: And please go ahead and 15 testify. 16 MS. PARTEE: First, I want to thank you 17 all, PUCO. A couple of weeks ago, Communities United 18 for Action came up there and asked you all to 19 stop -- have Duke and other utilities companies stop 20 shutting people off in bad weather. And you -- 21 I'm -- I was really appreciative that you took our 22 letter and you -- that means that you will look at it 23 and consider it. And I want to thank you for that. 24 The other thing is, I am a retired Duke 25 Energy person. We as retirees are having a hard time</p> |

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1 paying these bills. I don't know why Duke even do
2 this, knowing that many of the residents in this city
3 cannot pay their bills. I also volunteer for St.
4 Vincent de Paul. And it's not only the low income.
5 It's getting where the working-class people are coming
6 asking for help for housing and gasoline.
7 We've got a lot of people coming into
8 our city. I don't like to call them immigrants and
9 all of that. I like to call them neighbors. And they
10 don't have jobs, and so how are they going to work?
11 My -- my issue with all of this, nothing seemed to
12 happen until we took away the regulation and they
13 allowed utilities company -- companies to deregulate.
14 I know for a fact, working with Duke,
15 they care more for the shareholders than the people
16 that's paying their bills. And right now, how can you
17 even consider raising -- asking for an increase when
18 we can't get control of the housing issue? We've got
19 about 31,000 people that are homeless. We also got
20 people that can't get jobs because they don't qualify.
21 It just seems like you keep stabbing
22 and keep stabbing us and see how much we're going to
23 bleed. And we -- we don't have no more blood. We
24 don't have -- like I said, the taxes. People might
25 lose their houses because of the taxes on their homes.

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1 And these people work hard for that. All I ask you to
2 do is be fair and not consider this rate increase at
3 this time. Thank you.
4 JUDGE SANDOR: Any questions from
5 counsel?
6 MS. KINGERY: No, thank you.
7 JUDGE SANDOR: Or the bench?
8 Thank you for your testimony.
9 Our next witness is Marcia Battle.
10 Please raise your right hand.
11 WHEREUPON,
12 MARCIA BATTLE,
13 called as a witness and having been first duly sworn
14 to tell the truth, the whole truth, and nothing but
15 the truth, was examined and testified as follows:
16 JUDGE SANDOR: Please state and spell
17 your name for the record.
18 MS. BATTLE: M-A -- M-A-R-C-I-A Battle,
19 B-A-T-T-L-E.
20 JUDGE SANDOR: And please provide your
21 address.
22 MS. BATTLE: 5408 Section Avenue,
23 Cincinnati, Ohio 45212.
24 JUDGE SANDOR: Please go ahead.
25 MS. BATTLE: Thank you. Today I speak

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1 on behalf of myself, my family, my friends, my
2 community, for average citizens trying to just
3 basically live. And I'm going to try to get through
4 this without crying because when you have a hard time
5 paying your bills and people who make millions of
6 dollars are asking for more, it's depressing, it's
7 sickening, it's extortion, in my opinion.
8 We are here asking you, please do not
9 allow the public's comments and our concerns to fall
10 on deaf ears. I want to give you a list of reasons
11 why you should deny Duke Energy's request for a rate
12 increase. Number one, Duke Energy received
13 \$23,000,000,000 in a rate increase in 2023, and less
14 than two years later, they're asking for another rate
15 increase. We ask that you deny Duke Energy's request
16 for a rate increase.
17 Duke Energy has charged approximately
18 39,000 customers the wrong amount for riders on their
19 bills, yet they're here asking for more money. We ask
20 that you deny Duke Energy's request -- request for a
21 rate increase. Duke Energy themselves reported
22 106,453 thousand billing errors. 106,453 thousand
23 billing errors to their customers when they adopted
24 that new billing system. Yet they're asking for more
25 money? That's extortion, in my opinion, and we're

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1 asking that you deny Duke Energy's request for a rate
2 increase.
3 You, the Public Utilities Commission of
4 Ohio, proposed a 1.5 -- 1.45 million dollar fine
5 against Duke Energy corp. for repeatedly violating
6 state administrative code while making more than
7 100,000 billing mistakes in 2022. Another reason we
8 ask that you deny Duke Energy's request for a rate
9 increase.
10 Duke Energy's billing practices violate
11 Ohio Consumer Sales Practice Act. Again, we ask that
12 you deny Duke Energy's request for a rate increase.
13 Duke Energy's customers service line has been having
14 serious problems when customers try to call to resolve
15 their issues. Even when they do call, the customer
16 service representatives aren't able to answer their
17 questions. Again, we ask that you deny Duke Energy's
18 request for a rate increase.
19 Duke Energy's customers have had to pay
20 the cost of installing a new billing system. Yet
21 again, they want more money. We ask that you deny the
22 request for Duke's Energy rate increase. These
23 reasons that I have list and what you have heard from
24 everybody else are ample reasons for you to deny Duke
25 Energy's request for a rate increase. Consumers are

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1 struggling from the rising cost of every basic human
 2 necessity, yet they're here asking for us to pay them
 3 more.
 4 In reality, just so that you all know,
 5 there are literally people who make \$30,000 -- \$30,000
 6 a year trying to provide, taking care of their
 7 families. And yet, Duke Energy wants them to pay even
 8 more money for the basic human need of electricity.
 9 And as I get ready to close, I thank you all for the
 10 opportunity.
 11 I think the gentleman asked about how
 12 much Duke Energy was asking for a rate increase, and
 13 if I'm correct, numbers are correct, it is about \$135
 14 more that the consumer would have to pay over the next
 15 few years for their electricity. Again, we ask that
 16 you deny Duke Energy's request for a rate increase.
 17 JUDGE SANDOR: Questions from counsel?
 18 Or the bench?
 19 Thank you for your testimony.
 20 Our next witness is Michael Earl
 21 Patton.
 22 Please raise your right hand.
 23 MR. PATTON: I would like to affirm.
 24 JUDGE SANDOR: Okay.
 25 //

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1 WHEREUPON,
 2 MICHAEL EARL PATTON,
 3 called as a witness and having been first duly sworn
 4 to tell the truth, the whole truth, and nothing but
 5 the truth, was examined and testified as follows:
 6 MR. PATTON: I would like to affirm. I
 7 affirm to tell the truth, the whole truth, and nothing
 8 but the truth.
 9 JUDGE SANDOR: Thank you. Please state
 10 and spell your name for the record.
 11 MR. PATTON: Michael Earl Patton. M-I-
 12 C-H-A-E-L E-A-R-L P-A-T-T-O-N.
 13 JUDGE SANDOR: And your address,
 14 please?
 15 MR. PATTON: 3767 Millsbrae Avenue.
 16 Millsbrae is spelled M-I-L-L-S-B-R-A-E. Cincinnati
 17 45209.
 18 JUDGE SANDOR: Thank you. Please go
 19 ahead.
 20 MR. PATTON: Okay. I'd like to build
 21 on some of the testimony that we heard earlier,
 22 especially from the people who were concerned about
 23 the amount, the extra burden.
 24 I recently got a couple letters from
 25 the supplier on my Duke Energy bill who said that they

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1 had overcharged me. Not details, but other than that
 2 one amount was \$12.93, which doesn't sound large, but
 3 they don't give any details. And they enclosed a
 4 debit card along with nine pages of legalese on my
 5 obligations to give that \$12.93 that they say I am
 6 owed.
 7 Now, I contacted the city office that
 8 handles the aggregation program, and they contacted
 9 the supplier, who said, "No. It is impossible to give
 10 a credit on the Duke Energy bill," even though they
 11 had overcharged me. I contacted the PUCO, who gave me
 12 a number to call, and I got into a stupid argument
 13 with them because they said it was not a debit card,
 14 even though it says it was a debit card.
 15 And some of the papers that they sent
 16 me said I would be charged \$3.50 once I activate the
 17 card to get my refund, and other papers said no, I
 18 wouldn't be until after February 2012 -- I mean 2025.
 19 2025. I misspoke. I'm sorry. And -- but I am not
 20 enough of a lawyer -- I'm an engineer. I'm a retired
 21 engineer, but I have four college degrees. And I
 22 don't know what it means if you give me nine pages of
 23 documents and some pages say one thing and another
 24 page says another thing.
 25 If they can't figure out how to manage

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1 the -- the pricing that they are already approved by
 2 the public utilities commission of Ohio, if they can't
 3 figure out how to give me a refund when they
 4 overcharge me, I think this request should be denied.
 5 Thank you.
 6 JUDGE SANDOR: Questions from counsel?
 7 MS. KINGERY: No.
 8 JUDGE SANDOR: Or the bench? No?
 9 Thank you very much for your testimony.
 10 Okay. Our next witness is Miranda
 11 Heard.
 12 Please raise your right hand when
 13 you're ready.
 14 WHEREUPON,
 15 MIRANDA HEARD,
 16 called as a witness and having been first duly sworn
 17 to tell the truth, the whole truth, and nothing but
 18 the truth, was examined and testified as follows:
 19 JUDGE SANDOR: Okay. Thank you.
 20 Please state and spell your name for the record.
 21 MS. HEARD: Miranda, M-I-R-A-N-D-A,
 22 Heard, H-E-A-R-D.
 23 JUDGE SANDOR: And please provide your
 24 address.
 25 MS. HEARD: 106 East 13th Street,

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1 Cincinnati, Ohio 45202.

2 JUDGE SANDOR: Please go ahead and give
3 your testimony.

4 MS. HEARD: All right. The reason why
5 I'm here is because I -- I read that Duke is going to
6 go up on the bills. Okay? Now, this is for Duke, if
7 anyone is here to hear my testimony. I moved from a
8 three-bedroom house to a one-bedroom apartment. I'm
9 just trying to figure out why my Duke Energy bill is
10 higher than my house bill because I -- I'm confused.

11 And I get on a program to help cut the
12 cost, and they tell me that Duke said I have to pay
13 400 and something odd dollars to get on the program.
14 Now, I'm like, "Hold on." That don't make sense to me
15 because when I moved out of that house, I paid off
16 what I owed Duke. But they said I owe Duke. And I'm
17 like, "How?"

18 Nobody knows, and everybody wants to
19 blame everything on COVID. If you're going to blame
20 everything on COVID, then somebody or everybody needs
21 to be trained or they need to hire more people because
22 we as consumers, we don't know. And nobody can help
23 us, you know. And they -- they put you on hold for a
24 hour, then they come back, they -- "Well, Ms. Heard, I
25 don't know what to tell you." You know?

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1 Somebody needs to tell us consumers
2 something because we don't know. And like I said,
3 everything now has been centered around COVID.
4 Everybody want to blame COVID on how they do their
5 job, and that's not right. It -- it's not because
6 somebody ought to be able to give us an answer when we
7 have to spend our money.

8 I'm on a fixed income. I'm a senior
9 citizen. And I also try to help the people -- the
10 homeless people organization, Praise These Hands. How
11 can I help somebody when I can't get help? You know
12 what I mean? So I'm wondering why is Duke going up
13 on -- going up on our bills? Like I said, I moved
14 from a three-bedroom to a one-bedroom, and my gas
15 is -- I don't even have gas anymore. I have electric.

16 And it -- I'm not understanding why I
17 have to pay so much for one bedroom when I just moved
18 out of a three-bedroom. I'm confused. And like I
19 said, this is for Duke. Help me understand. Nobody
20 seems to know anything. And that's the end of my
21 testimony, and I want to say thank you for listening
22 to me.

23 JUDGE SANDOR: Questions from counsel?
24 Or the bench? Hearing none.
25 Thank you very much for your testimony.

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1 And then our last registered witness is
2 Patrick Summers.

3 Please raise your right hand.

4 WHEREUPON,
5 PATRICK SUMMERS,
6 called as a witness and having been first duly sworn
7 to tell the truth, the whole truth, and nothing but
8 the truth, was examined and testified as follows:
9 JUDGE SANDOR: Please state and spell
10 your name for the record.

11 MR. SUMMERS: First name Patrick, P-A-
12 T-R-I-C-K. Last name Summers, S-U-M-M-E-R-S.

13 JUDGE SANDOR: Please provide your
14 address.

15 MR. SUMMERS: 5619 Samver Road,
16 Apartment 2, Cincinnati, Ohio 45239.

17 JUDGE SANDOR: Please go ahead.

18 MR. SUMMERS: I am speaking as the
19 chair of the Charlene Mitchell Club of Cincinnati,
20 Ohio, and I wanted to speak on behalf of my
21 organization as well as for the people of Cincinnati
22 in general because this rate increase
23 disproportionately affects low-income housing and
24 other people who cannot afford their utilities, much
25 less their regular housing costs.

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1 And this is also compounded by the fact
2 that those who live in low-income housing have no
3 means of getting their -- either their housing, like,
4 subsidized because of the underfunded housing trust
5 fund, which has still, to my knowledge, only \$1,300
6 appropriated for it. And the average median income is
7 not appropriate for the subsidizing of housing in the
8 city of Cincinnati because most people simply do not
9 qualify for that.

10 And this rate increase would
11 disproportionately affect those in Cincinnati as well
12 as communities of color and other such disadvantaged
13 communities, and it does not benefit anyone in the
14 city or even in the region as a whole. And that's all
15 I really have to say on that.

16 JUDGE SANDOR: Any questions from
17 counsel?

18 MS. KINGERY: No, thank you, Your
19 Honor.

20 JUDGE SANDOR: Or the bench?

21 MR. FINNIGAN: What was the name of the
22 organization?


23 MR. SUMMERS: The Charlene Mitchell
24 Club of Cincinnati, Ohio.

25 JUDGE SANDOR: Thank you very much for


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1 your testimony.
 2 So that is everyone that was on the
 3 list to testify. Before we close out the hearing,
 4 does anyone else -- would anyone else like to testify
 5 before we close it out? Okay. Seeing none. Again,
 6 if you would like more information on other hearings
 7 scheduled in this case, the evidentiary hearing,
 8 please talk with PUCO staff and they will help you get
 9 some information regarding that. Thank you very much.
 10 We are adjourned.
 11 (Whereupon, at 7:35 p.m., the
 12 proceeding was concluded.)
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1 CERTIFICATE
 2 I, MARIANNE HISSONG, the officer before whom
 3 the foregoing proceedings were taken, do hereby
 4 certify that any witness(es) in the foregoing
 5 proceedings, prior to testifying, were duly sworn;
 6 that the proceedings were recorded by me and
 7 thereafter reduced to typewriting by a qualified
 8 transcriptionist; that said digital audio recording of
 9 said proceedings are a true and accurate record to the
 10 best of my knowledge, skills, and ability; that I am
 11 neither counsel for, related to, nor employed by any
 12 of the parties to the action in which this was taken;
 13 and, further, that I am not a relative or employee of
 14 any counsel or attorney employed by the parties
 15 hereto, nor financially or otherwise interested in the
 16 outcome of this action.
 17

 18 MARIANNE HISSONG
 19 Notary Public in and for the
 20 State of Ohio
 21
 22
 23
 24
 25

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1 CERTIFICATE OF TRANSCRIBER
 2 I, LAUREN BRAKE, do hereby certify that this
 3 transcript was prepared from the digital audio
 4 recording of the foregoing proceeding, that said
 5 transcript is a true and accurate record of the
 6 proceedings to the best of my knowledge, skills, and
 7 ability; that I am neither counsel for, related to,
 8 nor employed by any of the parties to the action in
 9 which this was taken; and, further, that I am not a
 10 relative or employee of any counsel or attorney
 11 employed by the parties hereto, nor financially or
 12 otherwise interested in the outcome of this action.
 13
 14

 15 LAUREN BRAKE
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 18
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 23
 24
 25

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