

1 BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

2 - - -
3 In the Matter of: :
4 : Case No. 06-350-GA-CMR
5 In the Matter of the :
6 Complaint and Appeal of :
7 Oxford Natural Gas Company:
8 from the Ordinance No. :
9 2896 passed by the Council:
10 of the City of Oxford on :
11 February 7, 2006. :
12 - - -

13 PROCEEDINGS

14 before Gregory Price, Hearing Examiner, at the Public
15 Utilities Commission of Ohio, 180 East Broad Street,
16 Room 11-C, Columbus, Ohio, called at 10:00 a.m. on
17 Tuesday, September 11, 2007.
18 - - -

19 ARMSTRONG & OKEY, INC.
20 185 South Fifth Street, Suite 101
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1 APPEARANCES:

2
3 Vorys, Sater, Seymour and Pease, LLP
4 By Mr. M. Howard Petricoff
5 and Mr. Stephen M. Howard
6 52 East Gay Street
7 Columbus, Ohio 43216-1008

8 On behalf of Oxford Natural Gas Company.

9 Bell Royer, Co., LPA
10 Mr. Barth E. Royer
11 33 South Grant Avenue
12 Columbus, Ohio 43215-3927

13 and

14 Altic & Corwin, Co., LPA
15 By Mr. Stephen M. McHugh
16 City of Oxford Law Director
17 1700 One Dayton Centre
18 Dayton, Ohio, 45402.

19 On behalf of City of Oxford.

20 Mark Dann, Ohio Attorney General
21 Duane W. Luckey, Senior Deputy
22 Attorney General
23 Public Utilities Section
24 Mr. Thomas W. McNamee
and Mr. John Jones
180 East Broad Street, 9th Floor
Columbus, Ohio 43215-3793

On behalf of the Staff of the Public
Utilities Commission.

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12 Valuation Study

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13 2 - Supplemental Testimony of
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xx yy

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1 Tuesday Morning Session,
2 September 11, 2007.

3 - - -

4 THE HEARING EXAMINER: Good morning. The
5 Commission has set for hearing at this time and this
6 place Case No. 06-350-GA-CMR, In the Matter of the
7 Complaint and Appeal of Oxford Natural Gas Company
8 from the Ordinance No. 2896 passed by the Council of
9 the City of Oxford on February 7, 2006.

10 My name is Gregory Price. I am the
11 attorney-examiner assigned to preside over this.

12 Let's take appearances beginning with the
13 company.

14 MR. PETRICOFF: Your Honor, on behalf of
15 the Oxford Natural Gas Company, I'm would like to
16 enter the is appearance of Mr. M. Howard Petricoff
17 and Mr. Stephen M. Howard, 52 East Gay Street,
18 Columbus, Ohio.

19 MR. ROYER: On behalf of the City of
20 Oxford, Ohio, Barth Royer, 33 South Grant Avenue,
21 Columbus, Ohio. And let the record also show in the
22 appearance of Stephen M. McHugh, City of Oxford Law
23 Director, the firm of Altic & Corwin, Co, LPA, 1700
24 One Dayton Centre, Dayton, Ohio, 45402.

1 THE HEARING EXAMINER: Staff.

2 MR. McNAMEE: On behalf of staff of
3 Public Utilities Commission of Ohio, Marc Dann,
4 Attorney General of the State of Ohio, John Jones and
5 I am Thomas McNamee, assistant attorneys general.
6 The address is 180 East Broad Street, Columbus, Ohio.

7 THE HEARING EXAMINER: Do we have any
8 preliminary matters before we begin?

9 MR. HOWARD: Yes, your Honor. We would
10 like to indicate a stipulation has been reached, and
11 we initially would like to ask that certain exhibits
12 be marked for identification.

13 THE HEARING EXAMINER: Why don't you read
14 those.

15 MR. HOWARD: We would ask that ONG
16 Exhibit 1 be the November 8, 2007 Burgess & Nipple
17 original Cost Valuation Study.

18 We propose that ONG Exhibit 2 be the
19 Supplemental Testimony of John T. Stenger filed on
20 October 2, 2006.

21 ONG Exhibit 3 would be the Additional
22 Supplemental testimony of John T. Stenger filed on
23 March 5, 2007.

24 ONG Exhibit 4 would be the Testimony of

1 Darryle Perrino filed on March 5, 2007.

2 ONG Exhibit 5 would be the testimony of
3 Clifford E. Criswell filed on March 5, 2007.

4 ONG Exhibit 6 would be the Proof of
5 Publication of the Notice of Application, which was
6 filed with the Commission on January 12, 2007.

7 ONG Exhibit 7 would be the Proof of
8 Publication of Notice of the Local Hearing, which was
9 filed on June 21, 2007.

10 We would also ask that the Stipulation
11 and Recommendation be marked as Joint Exhibit No. 1.
12 It was filed on August 31, 2007, and it contains a
13 stipulation, a proposed tariff, two attachments to
14 the tariff and an Exhibit B, which is a proposed
15 customer notice.

16 Finally, we would propose that Staff
17 Exhibit 1 be the Staff Report filed on February 1,
18 2007.

19 And City Exhibit 1 be the testimony of
20 Kenneth Rosselet, which was filed on March 5, 2007.

21 The Bench and the reporter and all
22 parties present have copies of those exhibits.

23 THE HEARING EXAMINER: Thank you. The
24 record will reflect the exhibits will be so marked.

1 (EXHIBITS MARKED FOR IDENTIFICATION.)

2 MR. HOWARD: We would move them into
3 admission at this time waiving cross-examination on
4 all but for Joint Exhibit No. 1.

5 THE HEARING EXAMINER: Any objections?

6 MR. McNAMEE: No objection.

7 THE HEARING EXAMINER: All the exhibits
8 shall be so admitted.

9 (EXHIBITS ADMITTED INTO EVIDENCE.)

10 MR. PETRICOFF: At this time we would
11 like to call to the stand John T. Stenger.

12 THE HEARING EXAMINER: Please state and
13 spell you name for the record.

14 THE WITNESS: My name is John T. Stenger
15 S-T-E-N-G-E-R; address 5181 College Corner Pike,
16 Oxford, Ohio.

17 THE HEARING EXAMINER: Mr. Petricoff.

18 - - -

19 KENNETH N. ROSSELET

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

22 DIRECT EXAMINATION

23 By Mr. Petricoff:

24 Q. Mr. Stenger, I'd like to hand you what

1 has been marked Joint Exhibit No. 1. Do you
2 recognize that document?

3 A. I do.

4 Q. Could you state your name and business
5 address for the record?

6 A. Yes. It's John T. Stenger, 5181 College
7 Corner Pike, Oxford, Ohio, 45056.

8 Q. Mr. Stenger, could you recite for us your
9 educational training and your work experience in the
10 natural gas industry?

11 A. Yes. I have Bachelor degrees in civil
12 engineering and land surveying from Purdue University
13 and a Master in business administration from Xavier
14 University. I have worked after Cinergy Corp, which
15 is now Duke Energy, for a little over 13 years. I've
16 spent a little over three years as the operating
17 officer for Lawrenceburg Gas Company, and since July
18 of 2006, I have operations manager for the Oxford
19 Natural Gas Company.

20 Q. And could you relate for us how your
21 appointment came about as the manager of the Oxford
22 Natural Gas Company?

23 A. Yes. There was a court order ordering the
24 previous majority partner out of the daily operations

1 and appointing me as the operations manager for the
2 company.

3 Q. And are you authorized to testify today
4 on behalf of the Oxford Natural Gas Company?

5 A. Yes, I am.

6 Q. Are you the same John T. Stenger who
7 filed supplemental and additional supplement after
8 testimony in this proceeding?

9 A. Yes, I am.

10 Q. Okay. Previously I have handed to you a
11 document that has been marked as Joint Exhibit No. 1.
12 Did you take part in the negotiations that produced
13 that document?

14 A. Yes, I did.

15 Q. Could you tell us briefly the nature of
16 those negotiations?

17 A. Yes. There were numerous issues
18 discussed between the City of Oxford, the PUCO staff
19 and Oxford Natural Gas Company, and over the course
20 of several months, we negotiated those to this
21 conclusion.

22 Q. Would you agree that the negotiations
23 were serious and conducted between knowledgeable
24 parties?

1 A. Yes, they were.

2 Q. How would the average residential
3 customer be affected by this proposed stipulation?

4 A. Per the stipulated base rate, the average
5 residential customer's bill will be reduced
6 approximately 22 percent. Its customer service
7 charge will be reduced approximately 19 percent.

8 Q. How about commercial customers?

9 A. They are under the same rate structure,
10 so they will also receive the same rate decreases.

11 Q. How will industrial and large
12 institutional customers be affected by this
13 stipulation?

14 A. Those customers in Oxford's territory are
15 special contract customers, and, as such, they would
16 not be affected by this Stipulation and
17 Recommendation.

18 Q. In your opinion is this Stipulation and
19 Recommendation in the public interest?

20 A. It is, yes.

21 Q. Okay. Are you aware in your experience
22 of any regulatory principle or practice that is
23 violated by this stipulation?

24 A. No, I am not.

1 Q. If you know, has Duke Energy indicated
2 its view as the Stipulation and Recommendation?

3 A. Yes. I am in receipt of a copy of a
4 letter indicating that they do not oppose the
5 Stipulation and Recommendation.

6 MR. PETRICOFF: I have no further
7 questions, your Honor. The witness is available for
8 cross-examination.

9 MR. ROYER: No questions.

10 MR. McNAMEE: No questions.

11 THE HEARING EXAMINER: The Bench has no
12 questions either.

13 You may step down.

14 (Witness excused.)

15 THE HEARING EXAMINER: Anything further?

16 MR. PETRICOFF: No, your Honor.

17 MR. McNAMEE: I have one thing.

18 MR. PETRICOFF: Mr. McNamee.

19 MR. McNAMEE: I feel obligated to make a
20 comment. I have been doing this for 20 years or
21 more, and when I first became aware of this case, I
22 have to say I've never seen a situation involving a
23 significant utility that was more of a mess, that had
24 more disaster potential for everyone involved, and

1 that appears to be no fault of anybody in this room,
2 but that was sure the situation.

3 It was only because of very much work and
4 effort expended by the company and by the city and
5 additionally by the staff to bring this to a soft
6 landing, if you will, and I appreciate it very much.
7 I think it is a very good outcome for everyone
8 involved, particularly given the extreme likelihood
9 of what might have been a very bad outcome. I
10 appreciate it.

11 THE HEARING EXAMINER: Thank you,
12 Mr. McNamee. I'm sure the Commission appreciates it
13 as well.

14 With that, we consider this to be
15 submitted on the record.

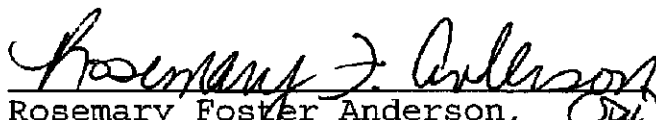
16 Thank you all.

17 (Thereupon, the hearing concluded at
18 10:14 a.m.)

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1
2 CERTIFICATE

3 I do hereby certify that the foregoing is a
4 true and correct transcript of the proceedings taken
5 by me in this matter on Tuesday, September 11, 2007,
6 and carefully compared with my original stenographic
7 notes.

8 
9 Rosemary Foster Anderson, (SR)
10 Professional Reporter and
11 Notary Public in and for
12 the State of Ohio.

13 My commission expires April 5, 2009.

14 (RFA-8008)

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Oxford Natural Gas Company

Case No. 06-350-GA-CMR

Case No. 06-521-GA-GCR

ONG Exhibit 1 – 11/8/06 Burgess and Nipple original cost valuation study

ONG Exhibit 2 – Supplemental Testimony of John T. Stenger filed on October 2, 2006

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ONG Exhibit 6 – Proof of Publication of Notice of Application filed on January 12, 2007

ONG Exhibit 7 – Proof of Publication of Notice of Local Hearing filed on June 21, 2007

Joint Exhibit 1 – Stipulation and Recommendation filed on August 31, 2007

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