

FILE

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Duke Energy Ohio, Inc. for an Increase in Gas Rates.)	Case No. 07-589-GA-AIR
)	
In the Matter of the Application of Duke Energy Ohio, Inc. for approval of an Alternative Rate Plan for its Gas Distribution Service)	Case No. 07-590-GA-ALT
)	
In the Matter of the Application of Duke Energy Ohio, Inc. for Approval to Change Accounting Methods)	Case No. 07-591-GA-AAM
)	

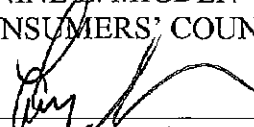
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**NOTICE OF FILING DEPOSITION BY
THE OFFICE OF THE OHIO CONSUMERS' COUNSEL**

Pursuant to Ohio Adm. Code 4901-1-21, The Office of the Ohio Consumers' Counsel gives notice of filing the deposition of Warren Fisher, which was taken on February 11, 2008.

Respectfully submitted,

JANINE L. MIGDEN-OSTRANDER
CONSUMERS' COUNSEL

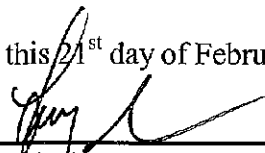

 Larry S. Sauer, Counsel of Record
 Joseph P. Serio
 Michael E. Idzkowski
 Assistant Consumers' Counsel

Office of the Ohio Consumers' Counsel
 10 West Broad Street, Suite 1800
 Columbus, Ohio 43215-3485
 (614) 466-8574 (Telephone)
 sauer@occ.state.oh.us
 serio@occ.state.oh.us
 idzkowski@occ.state.oh.us

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CERTIFICATE OF SERVICE

It is hereby certified that a true copy of the foregoing *Ohio Consumers' Counsel's Notice of Filing deposition*, was served via Electronic Mail, this 21st day of February, 2008.



Larry S. Sauer
Assistant Consumers' Counsel

Paul A. Colbert
John Finnigan
Associate General Counsel
Duke Energy Ohio
139 Fourth Street, Room 25 ATII
Cincinnati, Ohio 45201

Thomas Lindgren
William Wright
Attorney General's Office
Public Utilities Section
180 East Broad Street, 9th Floor
Columbus, Ohio 43215

David F. Boehm
Michael L. Kurtz
Kurt J. Boehm
Boehm, Kutz & Lowry
36 East Seventh Street, Suite 1510
Cincinnati, Ohio 45202-4454

David Rinebolt
Ohio Partners for Affordable Energy
231 West Lime Street
P.O. Box 1793
Findlay, Ohio 45839-1793

John M. Dosker
General Counsel
Stand Energy Corporation
1077 Celestial Street, Suite 110
Cincinnati, Ohio 45202-1629

Sally W. Bloomfield
Thomas J. O'Brien
Bricker & Eckler LLP
100 South Third Street
Columbus, Ohio 43215-4219

John W. Bentine
Mark S. Yurick
Chester, Willcox & Saxbe LLP
65 East State Street, Suite 1000
Columbus, Ohio 43215-4213

Mary W. Christensen
Christensen Christensen Donchatz
Kettlewell & Owens, LLC
100 East Campus View Blvd. Suite 360
Columbus Ohio 43235

Howard Petricoff
Vorys, Sater, Seymour and Pease LLP
52 E. Gay Street
Columbus Ohio 43215

THE PUBLIC UTILITIES COMMISSION OF OHIO

ORIGINAL

Case No. 07-589-GA-AIR

IN THE MATTER OF THE APPLICATION OF DUKE ENERGY OHIO,
INC. FOR AN INCREASE IN GAS RATES

Case No. 07-590-GA-ALT

IN THE MATTER OF THE APPLICATION OF DUKE ENERGY OHIO,
INC. FOR APPROVAL OF AN ALTERNATIVE RATE PLAN FOR ITS
GAS DISTRIBUTION SERVICE

Case No. 07-591-GA-AAM

IN THE MATTER OF THE APPLICATION OF DUKE ENERGY OHIO,
INC. FOR APPROVAL TO CHANGE ACCOUNTING METHODS

DEPOSITION OF: WARREN FISCHER - February 11, 2008

PURSUANT TO NOTICE, the deposition of
WARREN FISCHER was taken on behalf of the Office of
the Ohio Consumers' Counsel at 44 Cook Street, Denver,
Colorado 80206, on February 11, 2008, at 2:12 p.m.,
before Sandra L. Bray, Registered Diplomate Reporter,
Certified Realtime Reporter, and Notary Public within
Colorado.

A P P E A R A N C E S

1

2

For the Office of
the Ohio Consumers'
Counsel:

LARRY S. SAUER, ESQ.
Office of the Ohio Consumers'
Counsel
10 West Broad Street, Suite 1800
Columbia, Ohio 43215
(Appearing Telephonically)

5

6

For the Attorney
General's Office:

THOMAS LINDGREN, ESQ.
JODI BAIR, ESQ.
Attorney General's Office
Public Utilities Section
180 East Broad Street
9th Floor
Columbus, Ohio 43215
(Appearing Telephonically)

10

For Duke Energy
Ohio:

JOHN J. FINNIGAN, JR., ESQ.
139 Fourth Street, Room 25 ATII
Cincinnati, Ohio 45202
(Appearing Telephonically)

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I N D E X

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2	<u>EXAMINATION OF WARREN FISCHER:</u>	<u>PAGE</u>
	February 11, 2008	
3		
4	By Mr. Sauer	4
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1 WHEREUPON, the following proceedings
2 were taken pursuant to the Federal Rules of Civil
3 Procedure.

4 * * * * *

5 WARREN FISCHER,
6 having been first duly sworn or affirmed to state the
7 whole truth, testified as follows:

8 EXAMINATION

9 BY MR. SAUER:

10 Q. Mr. Fischer, my name is Larry Sauer.
11 I'm an attorney representing the Office of the Ohio
12 Consumers' Counsel, and I believe with us today is
13 John Finnigan, an attorney representing Duke Energy
14 Ohio; Tom Lindgren, representing the Attorney General
15 of Ohio, representing the staff; and Jodi Bair, I
16 think, is still on the line.

17 MR. SAUER: Jodi, are you there as well?

18 MS. BAIR: Yes, I'm here on behalf of
19 the staff and Public Utilities Commission with Tom.

20 Q. (BY MR. SAUER) And, Mr. Fischer, have
21 you had your deposition taken before?

22 A. Yes, I have.

23 Q. So generally you know the ground rules,
24 that I'm going to ask you a series of questions, and
25 you can answer those to the best of your ability. If

1 you don't understand a question, ask me to repeat it
2 or clarify it in some way. If I can, I will, and
3 because there's a court reporter there taking down
4 everything you're saying, it would be helpful if you
5 answer yes or no as opposed to uh-huh or huh-uh
6 because those are difficult to understand later when
7 you read the transcript.

8 If you need to take a break at any time,
9 just let me know; we can stop. If there's a question
10 pending, I would ask you answer the question before we
11 break.

12 And do you understand generally the
13 process that we're going to go through here?

14 A. Yes.

15 Q. This is a bit unusual in that we're
16 doing it telephonically, so I'll try my best to let
17 you finish and not talk over you and so that the court
18 reporter can get down everything that's being said.

19 We'll start out, can you give me
20 generally an idea of your educational background after
21 high school?

22 A. Yes. My educational background consists
23 of a bachelor's of science degree in business
24 administration with an emphasis in accounting from the
25 University of Colorado in Boulder. I have no other

1 postgraduate education other than that.

2 Q. How about work history? Can you give me
3 a sense of what you've been doing since you graduated
4 from --

5 A. Yes.

6 Q. -- University of Colorado?

7 A. Yes. Immediately after graduating from
8 the University of Colorado, I passed the CPA exam and
9 began working for what was Deloitte Haskins & Sells at
10 that time for a period of two and a half years, where
11 I became certified as a public accountant. After
12 leaving Deloitte Haskins, which is now Deloitte &
13 Touche, I went to work for a company called Century 21
14 Real Estate Corporation, which specializes in the
15 franchising side of the real estate business.

16 Q. Okay.

17 A. I worked there as a financial analyst
18 for a period of approximately four years. Subsequent
19 to my employment with Century 21 Real Estate
20 Corporation, I went to work as a senior financial
21 analyst with the E. & J. Gallo Winery in Modesto,
22 California. That was also for a period of about four
23 years.

24 And subsequent to working for E. & J.
25 Gallo Winery, I went to work for AT&T Corporation in

1 Denver, Colorado and was primarily responsible for
2 working with the regulatory and -- regulatory function
3 there within AT&T at that time.

4 I worked for AT&T for a period of five
5 years, and after leaving AT&T, I came to work here
6 with my present employer, which is QSI Consulting,
7 Inc. Since joining QSI in 2000, I have progressed
8 through a number of positions and am now presently the
9 chief financial officer of the company.

10 Q. About how many employees does QSI have?

11 A. We have approximately ten employees.

12 Q. And what type of consulting work have
13 you been doing since joining QSI?

14 A. The consulting work that I have been
15 doing since joining QSI has been primarily based in
16 telecommunications, regulatory economic consulting,
17 involved with litigation support in a number of
18 regulatory filings across the country primarily as it
19 pertains to opening up the local exchange market to
20 competition.

21 We've also had roles in a number -- in
22 some energy-related work; some that we've partnered
23 with Blue Ridge Consulting Services on, others that
24 other members of our firm have dealt with on their
25 own, but the focus of our company is mainly

1 telecommunications support.

2 Q. Approximately how many of these
3 consulting engagements have you been involved with
4 with Blue Ridge Consulting?

5 A. This is my third -- the present case is
6 the second engagement that I've worked with Blue
7 Ridge. We are currently involved with a third
8 engagement on a similar case pending in front of the
9 Public Utilities Commission of Ohio, and that is with
10 Dominion East, Ohio.

11 Q. Okay. Thank you. What materials do you
12 have with you today, sir?

13 A. I have the final report issued by Blue
14 Ridge Consulting Services in this case. I have a
15 staff report. I have OCC's objections as well as
16 other objections raised by other parties. I've got
17 work papers electronically that we've prepared for the
18 audit.

19 Q. Okay. Very good. If we look at the
20 Blue Ridge report on Page 8, there's a general
21 description of the project scope and there are four
22 major areas; the general requirements, the
23 allocations, the operating income, and the rate base A
24 through D. Do you see those?

25 A. Yes.

1 Q. That was, again, Page 8 of the Blue
2 Ridge report.

3 A. I do see those.

4 Q. And is it your understanding that those
5 generally came from the staff's RFP?

6 A. Yes.

7 Q. And then within each of those four
8 areas, there are -- if you look at the table of
9 contents, Page 3, there are subtasks within each of
10 those four major categories. Is that correct?

11 A. Yes.

12 Q. And is it your understanding or can you
13 explain to me how those major -- those general tasks
14 under each major area came about?

15 A. It's my understanding that each of those
16 tasks were taken primarily from the work steps
17 required in the request for proposal.

18 Q. And your responsibilities under this
19 audit, can you explain what those were?

20 A. Yes. My responsibilities largely
21 consisted of the Section C, Operating Income Testing,
22 validation of the company's revenue requirement
23 filing, validation of its budgeting and forecasting
24 process, and there were some additional testing
25 outside of Section C, which we call the miscellaneous

1 areas that involve some billing records testing.

2 Q. That would be the other independent
3 analysis?

4 A. That's correct.

5 Q. Is that what you're referring to?

6 A. Yes.

7 Q. And can you tell me how that particular
8 section came about?

9 A. That section came about, I think, upon
10 reviewing the general requirements section of the
11 request for proposal. The staff had listed a number
12 of areas that the auditors should examine records to
13 be able to opine on the validity of the company's
14 accuracy of its recordkeeping, and billing records was
15 one of those general requirements.

16 Q. So this was an area that Blue Ridge
17 determined on their own essentially to select the
18 billing as an area of analysis?

19 A. Well, I think it was one of many that
20 Blue Ridge selected. I think there are other areas
21 that are embedded within other sections of the report
22 where they are addressed, and I think the beginning of
23 the report generally describes how the general
24 requirements were addressed through the audit.

25 Q. And in reviewing the billing records,

1 was there also a review of the meter reading and those
2 kind of processes as well?

3 A. Yes.

4 Q. And within each of these tasks, there
5 was generally a background discussion, analysis, and
6 recommendation and conclusions. Typically, isn't that
7 how the report was set up?

8 A. Yes.

9 Q. For example, if you look at Page 121 of
10 your billing records, there is a -- the audit team is
11 listed, and then there's a background discussion about
12 the billing records. And then on Page 124, there's
13 some findings, and right under the findings, there are
14 conclusions and recommendations. Is that typically
15 how the Blue Ridge went through each of the various
16 tasks that they were assigned?

17 A. Yes.

18 Q. And in the billing records' conclusions
19 and recommendations that follow on Page 124 and 125, I
20 don't see any specific recommendations to the company
21 that there's anything -- any exceptions or problems
22 that Blue Ridge identified in this particular area.
23 Would that be correct?

24 A. Yes.

25 Q. And as part of that review of the

1 billing records and the meter-reading activities, did
2 Blue Ridge have any opportunity to review the
3 company's proposal for their Utility of the Future
4 initiative?

5 A. I think that may have been addressed in
6 a different area. During our interviews with company
7 personnel, there was discussion of the company's plans
8 to upgrade its meter-reading process to be more
9 automated, but we did not get into specifics in terms
10 of any sort of capital expenditures or defined time
11 lines. We just generally inquired about what that
12 process entailed and when they expected to complete
13 that migration and how many customers that would
14 affect ultimately.

15 Q. Was there any ability on Blue Ridge's
16 part to identify the proposed expenditures that Duke
17 was contemplating spending on the Utility of the
18 Future initiative?

19 A. I'm sure we had the ability. I don't
20 know if that was addressed by someone else on the
21 team. I don't have direct knowledge of that.

22 Q. Similarly with any benefits that would
23 have been expected to be derived from Duke's proposal
24 to undertake the Utility of the Future initiative,
25 would you have been involved in that process?

1 A. Only to the extent that Duke personnel
2 conveyed to us during interviews what they hoped that
3 upgrade in technology would do for them.

4 Q. And who -- were you involved in that
5 interview process?

6 A. Yes.

7 Q. I think it was on Page 25. There's a
8 listing of the various company personnel that were
9 interviewed. Who would you have interviewed regarding
10 the Utility of the Future initiative?

11 A. It most likely came up in conversations
12 or interviews with Tiffany Moore, Charles Session, who
13 is the manager of meter reading. I think those are
14 the two primary individuals that would have discussed
15 that.

16 Q. Maybe I missed it in the Blue Ridge
17 report, do you think somewhere in this document
18 there's a discussion of the Blue Ridge utility
19 initiative?

20 A. I would have to search through it to
21 confirm that.

22 Q. So you don't have -- well, let's take a
23 step back. The area of your responsibilities were
24 operating income and the independent analysis section;
25 is that correct?

1 A. A portion of the independent analysis
2 session, the one dealing with the billing records.

3 Q. Billing records only?

4 A. Yes.

5 Q. And it wasn't included in there,
6 correct?

7 A. Correct. There is a reference to the
8 Utility of the Future program on Page 122 as part of a
9 footnote.

10 Q. That would be footnote 247?

11 A. Yes.

12 Q. Is that what you're referring to,
13 Mr. Fischer?

14 A. Yes, it is.

15 Q. And that's talking about a certain
16 number of AMI-capable meters in Kentucky?

17 A. Presently, and their expectation, I
18 think, as they roll it out.

19 Q. Okay. And do you think there's any
20 other reference to the Utility of the Future within
21 the Blue Ridge report?

22 A. No, I don't see any.

23 Q. So when you were interviewing Tiffany
24 Moore, or was it Charles Session, you think there may
25 have been some discussion in terms of the total

1 expenditures that Duke was contemplating spending on
2 the Utility of the Future program in Ohio?

3 A. Not that I recall, but I can certainly
4 review the interview notes to see if there was any
5 discussion of that.

6 Q. Okay. To your knowledge, was there ever
7 a situation in which the staff instructed Blue Ridge
8 to investigate any aspect of Duke's application which
9 exceeded the scope of the audit that was established
10 by the RFP?

11 A. Not to my knowledge.

12 Q. Did your audit take you outside any
13 particular areas of responsibility as the audit scope
14 had been defined?

15 A. No.

16 Q. I'm sorry. Did I miss an answer to that
17 previous question?

18 A. I said no.

19 Q. I'm sorry. I didn't hear. On Page 17
20 there's a discussion of a kick-off meeting. Were you
21 in attendance at that meeting?

22 A. I'm sorry. Was that in the Blue Ridge
23 report or in the staff report?

24 Q. That was in the Blue Ridge report?

25 A. Yes, I did attend the kick-off meeting.

1 Q. And were you -- when did your audit
2 commence?

3 A. It was either that afternoon or the
4 following day.

5 Q. And during the period of the audit, how
6 much time did you spend in Cincinnati at Duke's
7 facilities?

8 A. I think it was three separate trips,
9 about three to four days per trip, so a total of about
10 twelve days at the most.

11 Q. And when did your audit responsibilities
12 conclude?

13 A. When we filed the report with the staff.

14 Q. And what was the date of that?

15 A. I don't know the exact date. That was
16 ultimately filed by the people at Blue Ridge
17 consulting services, but I think it was somewhere
18 early December.

19 Q. Well, the Blue Ridge report was filed, I
20 believe, December 20th, the same day as the staff
21 report, but did you have a deadline prior to
22 December 20th in which you had to have the Blue Ridge
23 report completed?

24 A. Yes. My understanding was a draft --
25 final draft was due to the staff I think just after

1 the Thanksgiving holiday, which would have put it in
2 the early part of December.

3 Q. And during the audit process, what was
4 the frequency of your contact with the staff?

5 A. My contact with staff was minimal.
6 Virtually all conversations with staff went through
7 Michael McGarry, the project manager.

8 Q. Okay. You said your contact was
9 minimal. Do you know approximately how many times you
10 had contact with the staff?

11 A. My contact was limited to, I believe,
12 the kick-off meeting when we were all present in
13 Cincinnati, and then I think --

14 Q. Was that the only contact?

15 A. I think there was one conference call
16 with staff to go over the status of the testing and
17 the report prior to completion of the report.

18 Q. And do you know who was present from
19 Blue Ridge on that conference call?

20 A. I believe it was myself, Michael
21 McGarry. It may have just been the two of us. It
22 could have been Donna Mullinax as well, but I think it
23 was just the two of us.

24 Q. And how about from the staff? Do you
25 know who was on the other end of the conference call?

1 A. I believe it was Ed Hess and possibly
2 Jodi Bair.

3 Q. And what was generally the discussion
4 regarding the state of the testing and the status of
5 the report at that point?

6 A. I believe the context of the call was to
7 discuss where we were at with the report in terms of
8 not only completing the primary audit steps but some
9 of our potential findings and recommendations that the
10 staff should address at our recommendation.

11 Q. I'm sorry. Can you repeat that last
12 part again?

13 A. Yes. My understanding or recollection
14 of the conversation was to not only discuss the status
15 of all of our testing and the report drafting, but to
16 highlight our primary findings and recommendations
17 that the staff would need to consider once the report
18 came out.

19 Q. And what do you mean by the
20 recommendations the staff would need to consider?

21 A. Well, my understanding of our role was
22 primarily to validate the company's filing as to its
23 accuracy, and anything that pertained to a regulatory
24 adjustment would be dealt with by staff. So any
25 findings we had that could lead to a potential

1 regulatory adjustment, we advised staff of our
2 recommendation, and it was up to staff to decide
3 whether to pursue that.

4 Q. And beyond the one conference call
5 you're talking about, were there other discussions, to
6 your knowledge, between the staff and Blue Ridge
7 regarding the adoption or failure to adopt Blue Ridge
8 recommendations by the staff?

9 A. I believe that Michael McGarry had at
10 least weekly update calls with staff to go over our
11 findings to date during the course of the audit.
12 Following that one conference call that I was on, I
13 don't know how many, if any, other calls took place
14 between Mr. McGarry and the staff.

15 Q. Okay. And did I understand you? You
16 say Mr. McGarry had weekly calls with the staff or did
17 he put together weekly status reports that were
18 actually in writing?

19 A. I think he did both. I don't know if he
20 did written reports every time, but I know he
21 typically summarized findings for the week, forwarded
22 those via e-mail, and I think he followed up with
23 calls with staff to discuss those issues.

24 Q. Would there be situations where you
25 would identify issues that you thought you were going

1 to pursue and the staff would come back and suggest
2 that you not pursue those?

3 A. I don't remember any circumstances such
4 as that.

5 Q. Okay. Were there situations the
6 opposite of that, where you would point out a
7 circumstance where you thought there needed to be some
8 more investigation and the staff would say, "Yeah, go
9 forward with that"?

10 A. The only area I can think of was with
11 the shared service company costs. We brought -- that
12 was one of our primary findings in the report, and I
13 know that Michael McGarry had brought that to their
14 attention. I don't recall if they said, "Continue
15 investigating" or if they just accepted the scope of
16 what we had done to that point as reasonable enough
17 for that finding.

18 Q. I was just trying to get a sense as to
19 how closely supervised by the staff you felt you were.

20 A. Is that a question?

21 Q. Yes, and you can put it in the context
22 of other audits that you've been involved with in
23 other states. Based on your experience, do you feel
24 like you were closely supervised by the PUCO in this
25 case?

1 A. Yes. I know during the course of
2 Mr. McGarry's frequent calls with the staff, we always
3 wanted to make sure that our testing was on point,
4 that we were heading down the right path of what their
5 expectations were based on the audits they had done
6 internally on the past, and based on the feedback we
7 did get from staff, we felt comfortable that we were
8 doing what was expected of us.

9 Q. During the time you were on Duke's
10 premises, were there at times staff members present at
11 the same time?

12 A. No, not that I recall, other than the
13 kick-off meeting.

14 Q. I think we had looked earlier at Page 25
15 of the Blue Ridge report that listed the various
16 company personnel that were interviewed. Can you tell
17 me who it was on this list that you interviewed?

18 A. Yes.

19 Q. Who would that have been?

20 A. Starting at the top, I'll reference by
21 number and name. Number 4, Lynn Good; Number 5, Todd
22 Arnold; Number 10, Don Wathen; Number 11, Gwen Pate;
23 Number 14, Steve Lee; Number 15, Brian Davey; Number
24 20, Peggy Laub; Number 21, Charles Session; Number 22,
25 Adriaenne McMahan; Number 23, Tiffany Moore; Number

1 26, Ted Czupik, and Number 28, Bob Parsons.

2 Q. And just generally, how would you
3 characterize the cooperation that you received from
4 Duke?

5 A. Excellent.

6 Q. And the twelve people that you had noted
7 you had interviewed, you had no difficulty lining the
8 interviews up and getting the information from them
9 that you were seeking?

10 A. No.

11 Q. And how were the interviews conducted?
12 Was it essentially one on one or did you meet with
13 some of them in groupings or how did that go?

14 A. Most interviews were set up one on one
15 with the interviewee. We had a team of two people
16 typically from Blue Ridge; primarily the interviewer
17 being myself and a second person to take the notes.
18 There were a couple of interviews where there may have
19 been a team of people that that interviewee works with
20 that they wanted to be present to better answer all of
21 our questions at the same time, but I would say most
22 of them were one on one or two people together.

23 Q. Okay. And were these people that you
24 selected to talk to or was it more a situation where
25 the company offered these people up for you to

1 interview?

2 A. The company made us aware of who was
3 responsible for the areas that we had an interest in
4 exploring, and based on that listing of people, we
5 then picked who we wanted to interview.

6 Q. Was there ever a situation where you
7 picked someone you wanted to interview and that person
8 wasn't provided?

9 A. Not that I recall. There may have been
10 an indication where they weren't immediately
11 available, but we were eventually able to get our
12 schedules to synchronize.

13 Q. Were all the interviews conducted in
14 Cincinnati or were they conducted at different
15 locations?

16 A. The majority were in Cincinnati. There
17 were some where people were located in other states
18 that had to be done by phone.

19 Q. Did you ever have any problems with the
20 timeliness of information that you requested from
21 Duke?

22 A. I would say for the most part the
23 company was very timely in the information they
24 provided to us. There may have been a few areas where
25 it took them a while to put the information together

1 because of the scope of data required to respond to
2 our request.

3 Q. Were there any situations that the staff
4 had to resolve because of any conflicts or disputes
5 between Blue Ridge and the company?

6 A. Not that I'm aware of. I think there
7 was one perhaps exception to that, and that was access
8 to audit work papers from the external auditors. I
9 think an agreement had to be reached between the
10 auditing firm and the staff before the company could
11 release those to us.

12 Q. The auditor's workpapers were ultimately
13 released to you then?

14 A. That's my understanding. I think there
15 were audit reports and workpapers I think that were
16 made available for review by the audit firm.

17 Q. And those weren't provided to you? You
18 didn't ask for those? It was another Blue Ridge
19 person that had inquired about that?

20 A. Yes. I believe that was Michael
21 McGarry.

22 Q. Okay. How was the Blue Ridge audit
23 report finalized? Can you kind of walk me through
24 that? Was there drafts that were provided to the
25 staff that Blue Ridge then got feedback on?

1 A. I believe there was at least one draft,
2 final draft that was provided to staff for feedback.
3 I don't know if they were provided any additional
4 copies before a final report was issued subsequent to
5 that.

6 Q. Did that draft that came back with
7 feedback, did it impact any of the areas that you had
8 been responsible for in the audit report?

9 A. Not that I recall.

10 Q. Do you recall if there were any
11 substantive changes to the draft in other areas of the
12 audit report that you weren't responsible for?

13 A. No. My understanding was staff was
14 generally in agreement with all of our findings and
15 recommendations, and any changes they had were minor.

16 Q. Was there a process that was in place in
17 the event that Blue Ridge made a recommendation that
18 the staff didn't adopt?

19 A. My understanding was that the report
20 didn't necessarily require concurrence with staff for
21 a recommendation. It was basically our responsibility
22 to make a recommendation. It would then be up to
23 staff to decide what to do with that once the report
24 was issued.

25 Q. Did Blue Ridge review the staff report

1 or did you review the staff report after it was -- in
2 any form prior to it being filed on December 20th?

3 A. No.

4 Q. Do you know if the company had any
5 opportunity to review drafts of the Blue Ridge report
6 before it was finalized?

7 A. I would say the company did not have an
8 opportunity. It was our understanding that they would
9 not get to see it until it was filed with the staff.

10 Q. You said that part of your
11 responsibilities were in the budget and the forecast
12 areas --

13 A. Yes.

14 Q. -- is that correct? Which part of the
15 budget and forecast process were you auditing?

16 A. We were auditing the accuracy of the
17 company's revenues and expense forecasting as it was
18 used as a basis for the test year. The test year was
19 based on three months of actual and nine months of
20 forecast.

21 Q. Okay. And as part of operating income,
22 did you review the company's sales forecast
23 methodologies?

24 A. Are you referring to the load forecast?

25 Q. Yes.

1 A. I generally reviewed, but Howard
2 Solganick did the primary testing of it because of his
3 experience in that area.

4 MR. SAUER: Let me go off the record for
5 a minute. I'll look through my notes. I think I'm
6 about finished. I don't have if you have any
7 questions, John.

8 MR. FINNIGAN: May I just have a minute?

9 MR. SAUER: Yes.

10 (Pause in the proceedings.)

11 MR. FINNIGAN: We have no questions.

12 Thank you, Mr. Fischer.

13 MR. SAUER: Yes, I think those were all
14 the questions I had as well. Mr. Fischer, I really
15 appreciate your participation in the deposition today,
16 and the court reporter will transcribe this
17 deposition. And you have an opportunity to review it,
18 and if you have changes to it, you have an opportunity
19 to make those.

20 THE DEPONENT: Okay.

21 WHEREUPON, the within proceedings were
22 concluded at the approximate hour of 3:01 p.m. on the
23 11th day of February, 2008.

24 * * * * *

25

1 I, WARREN FISCHER, do hereby certify that I
2 have read the above and foregoing deposition and that
3 the same is a true and accurate transcription of my
4 testimony, except for attached amendments, if any.

5 Amendments attached () Yes () No

6

7

8

9

WARREN FISCHER

10

11

12

13 The signature above of WARREN FISCHER was
14 subscribed and sworn to before me in the county of
15 _____, state of _____,
16 this _____ day of _____, 2008.

17

18

19

Notary Public
My commission expires:

20

21

22

23

24

25 The Office of the Ohio Consumers' Counsel 2/11/08 (sb)

REPORTER'S CERTIFICATE

STATE OF COLORADO)
) ss.
CITY AND COUNTY OF DENVER)

I, SANDRA L. BRAY, Registered Diplomate Reporter, Certified Realtime Reporter, and Notary Public, State of Colorado, do hereby certify that previous to the commencement of the examination, the said WARREN FISCHER was duly sworn by me to testify to the truth in relations to the matters in controversy between the parties hereto; that the said deposition was taken in machine shorthand by me at the time and place aforesaid and was thereafter reduced to typewritten form; that the foregoing is a true transcript of the questions asked, testimony given, and proceedings had.

I further certify that I am not employed by, related to, nor of counsel for any of the parties herein nor otherwise interested in the outcome of this litigation.

IN WITNESS WHEREOF, I have affixed my signature this 11th of February, 2008.

My commission expires January 16, 2012.

 X Reading and Signing was requested.
 Reading and Signing was waived.
 Reading and Signing is not required.

Sandra L. Bray
Sandra L. Bray, RMR, CRP, RDR
Certified Realtime Reporter