

1 BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

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3 In the Matter of the :
4 Application of the Ohio :
5 Department of Development :
6 for an Order Approving : Case No. 08-658-EL-UNC
7 Adjustments to the Universal :
8 Service Fund Riders of :
9 Jurisdictional Ohio Electric :
10 Distribution Utilities :

7 - - -

8 PROCEEDINGS

9 Before Janet K. Stoneking, Hearing Examiner, at the
10 Public Utilities Commission of Ohio, 180 East Broad
11 Street, Room 11-G, Columbus, Ohio, called at 10:05 a.m.
12 on Monday, December 8, 2008.

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1 APPEARANCES:

2 Nancy H. Rogers, Ohio Attorney General
By Thomas W. McNamee, Esq.
3 Assistant Attorney General
180 East Broad Street
4 Columbus, Ohio 43215

5 On behalf of the Staff of the Public
Utilities Commission of Ohio.

6
Bell & Royer Co., LPA
7 Barth E. Royer, Esq.
33 South Grant Avenue
8 Columbus, Ohio 43215-3927

9 On behalf of the Ohio Department of
Development.

10
McNees, Wallace & Nurick, LLC
11 By Gretchen J. Hummel, Esq.
21 East State Street, 17th Floor
12 Columbus, Ohio 43215-4228

13 On behalf of Industrial Energy Users-Ohio.

14 First Energy Service Company
By Kathy J. Kolich, Esq.
15 76 South Main Street
Akron, Ohio 44308

16
On behalf of Ohio Edison Company, The
17 Cleveland Electric Illuminating Company,
The Toledo Edison Company.

18
The Office of the Ohio Consumers' Counsel
19 By Ann M. Hotz, Esq.
10 West Broad Street, Suite 1800

20 Columbus, Ohio 43215-3485

21 On behalf of Ohio Consumers' Counsel.

22 Ohio Partners for Affordable Energy

By Colleen L. Mooney, Esq.

23 1431 Mulford Road

Columbus, Ohio 43212

24

On behalf of Ohio Partners for Affordable

25 Energy.

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1 Monday Morning Session,

2 December 8, 2008.

3 - - -

4 HEARING OFFICER STONEKING: Good morning.

5 This case is in the Matter of the Application of the

6 Ohio Department of Development for an Order Approving

7 Adjustments to the Universal Service Fund Riders of the

8 Jurisdictional Ohio Electric Distribution Utilities,

9 Case No. 08-658-EL-UNC.

10 First I'd like to begin by taking

11 appearances.

12 MR. ROYER: Thank you, Your Honor. Barth

13 Royer of the firm of Bell & Royer Co., LPA, 33 South

14 Grant Avenue, Columbus, Ohio, on behalf of the Ohio

15 Department of Development. I've also been asked to

16 enter the appearances on behalf of the Dayton Power &

17 Light Company, Judi Sobecki, MacGregor Park, 1065

18 Woodman Avenue, Dayton, Ohio, 45432, and on behalf of

19 AEP Service Corporation, for Columbus Southern Power

20 Company and Ohio Power Company, Marvin I. Resnik, 1

21 Riverside Plaza, Columbus, Ohio, 43215.

22 HEARING OFFICER STONEKING: Thank you.

23 Just go around the room.

24 MS. HUMMEL: Thank you, Your Honor. On

25 behalf of Industrial Energy Users-Ohio, McNees, Wallace

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1 & Nurick, by Gretchen J. Hummel, 21 East State Street,
2 Columbus, Ohio, 43215.

3 HEARING OFFICER STONEKING: Thank you.

4 MS. KOLICH: Good morning, Your Honor.

5 Kathy J. Kolich, First Energy Service Company, 76 South
6 Main Street, Akron, Ohio, 44308, on behalf of the First
7 Energy Operating Companies of Ohio Edison Company, the
8 Toledo Edison Company, and the Cleveland Electric
9 Illuminating Company.

10 MS. HOTZ: On behalf of the residential
11 customers of electric utilities in Ohio, the Ohio
12 Consumers' Counsel, Janine Migden-Ostrander, by Richard
13 Reese and Ann Hotz. Thank you, Your Honor.

14 MS. MOONEY: On behalf of Ohio
15 Partners for Affordable Energy, Colleen Mooney and
16 Dave Rinebolt, 1431 Mulford Road, Columbus, Ohio,
17 43212.

18 MR. McNAMEE: On behalf of the Staff of
19 the Public Utilities Commission of Ohio, Nancy Rogers,

20 Attorney General of the State of Ohio, Duane Luckey,
21 Chief, Public Utilities Section, I am Thomas McNamee,
22 Assistant Attorney General. The address is 180 East
23 Broad Street, Columbus, Ohio, 43215.

24 HEARING OFFICER STONEKING: Thank you. I
25 should also mention for the record my name is Janet

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1 Stoneking, and I'm the Attorney Examiner assigned to
2 this case.

3 MS. HUMMEL: Could we go off the record
4 for just a second?

5 HEARING OFFICER STONEKING: Yes.

6 (Discussion off the record.)

7 HEARING OFFICER STONEKING: Let's go back
8 on the record. There was a question, discussion off
9 the record about whether or not Mr. Rinebolt has filed
10 a motion for pro hac vice in this case. The Attorney
11 Examiner believes he has, but if he has not, then I
12 will remove him from the appearances for the second
13 phase of the proceedings.

14 MS. MOONEY: Thank you, Your Honor.

15 HEARING OFFICER STONEKING: You're
16 welcome.

17 Mr. Royer.

18 MR. ROYER: Thank you, Your Honor. I'd
19 like to hand the court reporter what has been marked as

20 Joint Exhibit 1, which is a Stipulation and
21 Recommendation that has been entered into by the
22 majority of the parties to this proceeding, which, if
23 accepted by the Commission, will resolve all the issues
24 in this case. As a part of that Stipulation, the
25 parties have agreed that the Amended Application filed

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1 on this docket on November 26, 2008, which I've marked
2 as ODOD Exhibit 1, is to be admitted, as should the
3 testimony of Nick Sunday filed on October 31st, 2008,
4 marked ODOD Exhibit 2. The Stipulation also provides
5 for the admission of the Direct Testimony of Donald A.
6 Skaggs which was filed herein on October 31st, 2008,
7 and I've marked that as ODOD Exhibit 3, and, finally,
8 also provides for the admission of the Supplemental
9 Testimony of Donald A. Skaggs which was filed herein on
10 November 26, 2008.

11 HEARING OFFICER STONEKING: That's marked
12 as --

13 MR. ROYER: ODOD Exhibit 4, yes.

14 HEARING OFFICER STONEKING: Thank you.

15 MR. ROYER: Offer those exhibits at this
16 time.

17 HEARING OFFICER STONEKING: Are there any
18 objections to ODOD Exhibits 1 through 4 or Joint
19 Exhibit 1?

20 MR. McNAMEE: No.

21 MS. HUMMEL: No.

22 MR. ROYER: No.

23 MS. KOLICH: No.

24 MS. HOTZ: No.

25 MS. MOONEY: No.

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1 HEARING OFFICER STONEKING: Hearing none,
2 then all of those exhibits will be admitted into the
3 record for evidence.

4 (EXHIBITS ADMITTED INTO EVIDENCE.)

5 HEARING OFFICER STONEKING: Mr. Royer, is
6 there anything else that we need to discuss?

7 MR. ROYER: I don't think so. I think the
8 Stipulation resolves all the issues. I might point out
9 for Your Honor's benefit that there is a -- that
10 Paragraph 3 of the Stipulation in effect corrects
11 reference in Mr. Skaggs' Supplemental Testimony. You
12 may want to note that. It didn't change --
13 fortunately, it didn't change any of the numbers, but
14 we did redo an exhibit, which is attached to the
15 testimony or attached to the Stipulation as Appendix A
16 which properly portrays the adjustment discussed
17 therein.

18 HEARING OFFICER STONEKING: Thank you. Is
19 there anything further concerning the audits that we

20 need to address?

21 MR. ROYER: No. The audits have been

22 conducted. Reports have been issued, and an exit

23 interview with the Schneider Downs personnel has been

24 held. We anticipate issuing the supplement to the NOI

25 probably this week. We deliberately didn't file it

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1 sooner because for one thing we wanted to keep it apart
2 from this proceeding, and I think the understanding of
3 the parties is that we worked out an agreed procedural
4 schedule, to the extent one is necessary, to deal with
5 any issues that have a bearing on the revenue
6 requirements in this matter, and if that should come to
7 pass, we would take that up through a supplemental
8 application. That will probably be necessary in any
9 event due to the pendency of the ESP cases for the
10 various companies. We anticipate that there will
11 probably have to be a rate revision as a result of
12 those.

13 HEARING OFFICER STONEKING: Am I
14 interpreting that as a request to leave the case open?

15 MR. ROYER: Yes, and the Stipulation
16 specifically provides for that.

17 HEARING OFFICER STONEKING: Thank you.

18 Miss Hotz.

19 MS. HOTZ: Yes. OCC did not sign the

20 Stipulation, but we will be filing a letter after the

21 Stipulation is filed.

22 HEARING OFFICER STONEKING: Thank you.

23 MS. HOTZ: Thank you.

24 HEARING OFFICER STONEKING: Does anyone

25 have anything else that we need to deal with to date?

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1 MR. McNAMEE: Nothing.

2 HEARING OFFICER STONEKING: Hearing none,

3 we're adjourned. Thank you.

4 (Thereupon, the hearing was concluded at

5 10:12 a.m.)

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1 CERTIFICATE

2 I do hereby certify that the foregoing is
3 a true and correct transcript of the proceedings taken
4 by me in this matter on Monday, December 8, 2008, and
5 carefully compared with my original stenographic notes.

6

7

8 _____
 Valerie J. Sloas, Registered
9 Professional Reporter and Notary
 Public in and for the State of
10 Ohio.

11 My commission expires June 8, 2011.

12 (VJS-539)

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in

Case No(s). 08-0658-EL-UNC

Summary: Transcript Ohio Dept. of Development 12/8/08 electronically filed by Mrs. Jennifer D. Duffer on behalf of Armstrong & Okey, Inc.