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February 5, 2009

VIA FEDERAL EXPRESS

Public Utilities Commission of Ohio
Attention: Renee Jenkins
Docketing Division
180 E. Broad Street, 10th Floor
Columbus, OH 43215

PUCO

2009 FEB - 6 AM 10: 28

RECEIVED-DOCKETING DIV

RE: DP&L ESP Filing, Case No. 08-1094-EL-SSO *et al.*

Dear Ms. Jenkins:

Enclosed are: (1) fourteen (14) copies of The Dayton Power and Light's Notice of Filing Depositions; and (2) deposition transcripts of:

- a. Gonzalez, Wilson
- b. Ibrahim, Amr A.
- c. Duann, Daniel J.
- d. Yankel, Anthony J.
- e. McClelland, Barry E. ✓
- f. Pullins, Steven W.
- g. Fein, David I.
- h. Woolridge, J. Randall
- i. Bowser, Joseph G.
- j. Sawmiller, Daniel J.
- k. Murray, Kevin M.
- l. Dickstein, Shelley J. (awaiting transcript)
- m. Frye, Mark R. (awaiting transcript)
- n. Higgins, Kevin C. (awaiting transcript)

Very truly yours,

R. Holtzman Hedrick

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RHH/tes
Enclosures



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Technician AW Date Processed 2/9/09

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

- - -

In the Matter of the :
Application of The Dayton :
Power and Light Company : Case No. 08-1094-EL-SSO
for Approval of Its :
Electric Security Plan. :

- - -

In the Matter of the :
Application of The Dayton :
Power and Light Company : Case No. 08-1095-EL-ATA
for Approval of Revised :
Tariffs. :

- - -

In the Matter of the :
Application of The Dayton :
Power and Light Company :
for Approval of Certain : Case No. 08-1096-EL-AAM
Accounting Authority :
Pursuant to Ohio Rev. :
Code §4905.13. :

- - -

In the Matter of the :
Application of The Dayton :
Power and Light Company : Case No. 08-1097-EL-UNC
for Approval of Its :
Amended Corporate :
Separation Plan. :

- - -

DEPOSITION

of Barry E. McClelland, taken before me, Julieanna
Hennebert, a Notary Public in and for the State of
Ohio, at the offices of Vorys, Sater, Seymour &
Pease, LLP, 52 East Gay Street, Columbus, Ohio, on
Monday, February 2, 2009, at 1:30 p.m.

- - -

Page 2

1 APPEARANCES:
 2 Faruki, Ireland & Cox, P.L.L.
 3 By Mr. Charles J. Faruki (via telephone)
 4 500 Courthouse Plaza, SW
 5 10 North Ludlow Street
 6 Dayton, Ohio 45402
 7 On behalf of the Applicant.
 8 Vorys, Sater, Seymour and Pease
 9 By Mr. M. Howard Petricoff
 10 52 East Gay Street
 11 Columbus, Ohio 43216
 12
 13 On behalf of Honda.
 14
 15 ALSO PRESENT:
 16 Tony Long.
 17 ...
 18
 19
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 21
 22
 23
 24
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Page 5

1 commences, we'll make that correction formally.
 2 MR. FARUKI: Thank you for that.
 3 Q. Mr. McClelland, let me ask you first have
 4 you been deposed before?
 5 A. No, I haven't.
 6 Q. Briefly, since this is a telephone
 7 deposition, let me just ask you to make sure that
 8 your responses -- that you keep your voice up so that
 9 I can hear you, and that your responses are audible
 10 yeses and nos and explanations so the court reporter
 11 can get it down straight.
 12 If you do not understand any of my
 13 questions, simply tell me and I'll see if I can
 14 rephrase it.
 15 Is that agreeable?
 16 A. I understand, yes.
 17 Q. Let me start with some general questions.
 18 Would you tell me what you have read of DP&L's filing
 19 in this matter, which parts?
 20 A. I have read your ESP filing.
 21 Q. That would be what was called Book I of
 22 the filing?
 23 A. I guess, yes.
 24 Q. Have you read anything other than the ESP
 25 portion of the filing?

Page 3

1 Monday Afternoon Session,
 2 February 2, 2009.
 3 ---
 4 STIPULATIONS
 5 It is stipulated by and between counsel for
 6 the respective parties that the deposition of Barry
 7 E. McClelland, a witness called by the Applicant
 8 under the applicable Rules of Civil Procedure, may be
 9 reduced to writing in stenotypy by the Notary, whose
 10 notes thereafter may be transcribed out of the
 11 presence of the witness; and that proof of the
 12 official character and qualification of the Notary is
 13 waived.
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 15 ---
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Page 6

1 A. No.
 2 Q. What materials do you have available in
 3 front of you at this point?
 4 A. I do not have the filing in front of me.
 5 Q. Do you have your own testimony?
 6 A. Yes.
 7 Q. Do you have anything beyond that?
 8 A. We have Senate Bill 221.
 9 Q. Anything else?
 10 A. No.
 11 Q. And would you tell me how you developed
 12 your testimony, what process you went through?
 13 A. I know the situation or the actual
 14 situation for our East Liberty and Transportation
 15 Research Center facilities that's served by you, and
 16 I use that knowledge to put together the testimony.
 17 Q. Did you consult any other materials?
 18 A. No.
 19 Q. Would you tell me insofar as you are
 20 aware of them, what Honda's interests are in this
 21 case?
 22 A. Well, the interest is what's filed in my
 23 testimony. Basically it's with the conservation
 24 energy piece and we have a consultant that's going to
 25 represent us on the other parts of your filing.

Page 4

1 BARRY E. MCCLELLAND
 2 being by me first duly sworn, as hereinafter
 3 certified, deposes and says as follows:
 4 EXAMINATION
 5 BY MR. FARUKI:
 6 Q. Good afternoon, Mr. McClelland.
 7 A. Good afternoon.
 8 Q. Your deposition is being taken by
 9 telephone.
 10 Would you tell us your full name and
 11 where you work please?
 12 A. Barry E. McClelland, Honda of America
 13 Manufacturing, Inc., Marysville, Ohio.
 14 MR. FARUKI: Howard, before we go further
 15 you had alerted me to the fact there was one
 16 correction to his testimony. Do you want to deal
 17 with that first?
 18 MR. PETRICOFF: Yes, thank you.
 19 On page 4 of Mr. McClelland's direct
 20 prepared testimony, line 14 there is a typographical
 21 error. The number that's listed on page 14 is 33,000
 22 and it should be 333.
 23 And we'll be filing an errata sheet
 24 probably today to correct that, and when
 25 Mr. McClelland takes the stand when the hearing

Page 7

1 Q. If you could direct your attention to
 2 pieces of your testimony, let me ask first starting
 3 on page 2, line 10, the -- actually it's line 10 and
 4 26, so I don't mislead you, Mr. McClelland, where
 5 does -- where physically does Honda take delivery of
 6 energy from DP&L?
 7 A. We have a substation located on property
 8 at the Honda East Liberty facility. That's adjacent
 9 to the Transportation Research Center.
 10 Q. And do you agree with me that from a
 11 metering standpoint Honda's East Liberty facility is
 12 a distribution customer of the Dayton Power and Light
 13 Company?
 14 A. It's transmission.
 15 Q. I'm sorry?
 16 A. It's transmission delivery.
 17 Q. Okay. Do you consider your facility to
 18 be a distribution customer of DP&L?
 19 A. No.
 20 Q. On page 3 when you say in line 2 "The
 21 metering was paid for by Honda," do you know how long
 22 that metering has been in place? An approximate year
 23 will do, I don't need a precise date.
 24 A. Probably the early 2000s. I don't have
 25 an approximate date other than that.

1 Q. Turn of the century?
 2 A. Yeah.
 3 Q. With regard to your testimony at lines 6,
 4 7, and 8, I understand your point about the exact
 5 amount of energy consumed to being proprietary.
 6 Do you have an estimate of how much would
 7 be available to feed into DP&L for purposes of
 8 conservation calculation?
 9 A. Basically we're looking at 2.2 megawatts.
 10 Q. That's 2.2 per year?
 11 A. Yes.
 12 Q. We're all aware, of course, of the
 13 current economic climate in our country. Do you
 14 expect to have that approximate level even during the
 15 current economic downturn?
 16 A. Yes, we do.
 17 Q. I was going to ask my question in terms
 18 of normality but I'm not sure what a normal economy
 19 is. Let me ask it this way.
 20 If the current downturn were to finally
 21 work itself out and we get past the contemporary
 22 troubles in the economy, what would you expect to
 23 happen to that 2.2 number?
 24 A. Well, I believe that's the number we're
 25 going to commit to at this time.

1 A. Yes. Yes, it is.
 2 Q. With regard to your testimony at lines 5,
 3 6, and 7 on page 4, have you thought through what you
 4 would do to make the demonstration that you're
 5 talking about there?
 6 A. Yes.
 7 Q. Would you explain that to me?
 8 A. Well, we have some plans to reduce our
 9 energy consumption that's part of our ongoing energy
 10 reduction program that we will submit as part of this
 11 to meet the target.
 12 Q. And part of that plan I take it is the
 13 commitment to 2.2 megawatts that you mentioned
 14 earlier?
 15 A. Yes.
 16 Q. Going down to line 18 on page 4, you say
 17 "we are confident of achieving conservation in excess
 18 of three/tenths percent required for 2009 and
 19 five/tenths percent for 2010 set forth in Senate Bill
 20 221."
 21 Can you tell me what's the basis for that
 22 statement?
 23 A. We have some internal conservation
 24 programs that we believe will meet those targets.
 25 Q. Can you describe or summarize those

1 Q. Okay. Fair enough.
 2 With regard to your testimony on page 3,
 3 line 21, referring to the targets of the Senate Bill,
 4 you have reviewed at least the portion of Senate Bill
 5 221 that sets those targets?
 6 A. Yes, I have.
 7 Q. Do you consider those to be aggressive
 8 targets?
 9 A. I don't have an opinion there.
 10 Q. For purposes of your testimony in this
 11 case, what portions of Senate Bill 221 have you
 12 reviewed?
 13 A. I've read through the entire Bill.
 14 Q. I won't ask you how long that took, sir.
 15 A. Thanks.
 16 Q. And the sections that you consider most
 17 pertinent to your testimony are what?
 18 A. The conservation piece of it.
 19 Q. 4928.66?
 20 A. I'm not sure if that's correct. I don't
 21 have it in front of me. But I could look it up here.
 22 Q. Okay, why don't you take a minute and do
 23 that. Just tell me when you have it.
 24 A. Yes, it is.
 25 Q. And in particular let me direct your

1 programs for me?
 2 A. We have some internal programs that deals
 3 with reducing our load for chillers, compressed air
 4 systems, and some available speed air ventilation
 5 units.
 6 Q. All of these I take it being components
 7 of your assembly line?
 8 A. Of the total plant facility.
 9 Q. So some of them would be related to the
 10 building itself you mean.
 11 A. Yes.
 12 Q. Okay.
 13 A. Building, paint shop, assembly, weld, the
 14 total operation.
 15 Q. And then on line 20, on page 4, you say
 16 "When the order in this case is finalized, Honda will
 17 apply to the Commission to opt out of the CCEM," et
 18 cetera, and I take that your plan is to make that
 19 application relatively soon after the order comes
 20 out?
 21 A. Yes.
 22 Q. Going down to line 27 on page 4, and your
 23 recommendation of a preliminary opt out list, was
 24 that an idea that you came up with?
 25 A. Yes. Well --

1 attention to 4928.66(A)(2)c).
 2 A. Okay.
 3 Q. Is that one of the pieces that you
 4 reviewed?
 5 A. Yes.
 6 Q. Do you agree that's pertinent to your
 7 testimony?
 8 A. Yes.
 9 Q. Is there any other section that you would
 10 point to as particularly relevant to your testimony?
 11 A. Not that I recall.
 12 Q. Is this section the source of the
 13 understanding that you refer to at line 30 on page 3?
 14 A. Yes.
 15 Q. Having reviewed this section and written
 16 your testimony, can you describe to me your idea or
 17 conception as to how this would work, this sort of
 18 mercantile arrangement would work from Honda's
 19 standpoint?
 20 A. Well, we're going to file an application
 21 and I guess we'll just follow the process as far as
 22 what the rule making would be for that process.
 23 Q. You say on page 4, and I'm looking at
 24 line 3, you're "permitted to apply to the Commission
 25 for exemption," and I take it that is your plan?

1 Q. I'm sorry, I didn't mean to cut you off,
 2 go ahead.
 3 A. I think it's being discussed but we
 4 support that position.
 5 Q. Have you surveyed or contacted other
 6 companies about that?
 7 A. No.
 8 Q. In the course of doing your work for this
 9 testimony have you learned the needs or plans of any
 10 other companies in this regard?
 11 A. No, I haven't.
 12 Q. And just to broaden that question a bit,
 13 in the course of working on your testimony and the
 14 efforts leading up to it, did you take any steps to
 15 determine what other companies' needs or intentions
 16 may be with regard to their own conservation
 17 programs?
 18 A. No, I haven't.
 19 Q. And where did you come up with the idea
 20 for a preliminary opt out list?
 21 A. I've seen some discussion about that in
 22 some e-mail traffic.
 23 Q. Between whom and whom?
 24 A. Between some of the -- we work with some
 25 other organizations like the Industrial Users of Ohio

1 and the OMA, we're a member of those energy
 2 committees.
 3 Q. And the sentence that runs from 4 onto 5
 4 where you talk about a maximum period of 90 days,
 5 where did that come from?
 6 A. We just feel we need some adequate time
 7 to apply.
 8 Q. You go on on page 5, lines 2 and 3, to
 9 talk about paying back the missed CCEM payments if
 10 the amount is not authorized.
 11 You would contemplate paying those back
 12 with interest; is that right?
 13 A. Yes.
 14 Q. The rather long sentence that starts on 3
 15 and ends on 8, on page 5, can you tell me what type
 16 of information you are contemplating in that sentence
 17 when you talk about paying from the mercantile
 18 customer necessary and so forth?
 19 A. I don't understand your question.
 20 Q. Yes, you describe on lines 5, 6, and 7
 21 that certain mercantile customer information would be
 22 obtained by DP&L. I'm asking you to elaborate on
 23 what that is.
 24 A. I guess if I understand what you're
 25 asking, it would be what information would be

1 pertinent to this CCEM opt out.
 2 Q. Okay, can you specify what that
 3 information is?
 4 A. I'm not sure what it will be at this
 5 point.
 6 Q. If you look again at 4928.66(A)(2)(c)
 7 that we looked at before.
 8 A. Yes.
 9 Q. You'll see that there's a sentence that
 10 begins "Any mechanism designed to recover. . ."
 11 A. Okay.
 12 Q. Tell me once you've had a chance to read
 13 that whole sentence to yourself, because it's kind of
 14 long.
 15 A. Okay, I've read through it.
 16 Q. That sentence says that there may be an
 17 exemption for mercantile customers and then I'll
 18 quote a piece of it, quote, that commit their demand
 19 response or other customer-sited capabilities whether
 20 existing or new for integration, end of quote, and so
 21 forth.
 22 With regard to the commitment that Honda
 23 intends to make, does Honda consider that to be a
 24 demand response capability?
 25 A. If I understand it, I believe so.

1 Q. Why do you answer it that way?
 2 A. Well, we intend to have our energy
 3 conservation plan contribute to meet this target.
 4 Q. Is the energy conservation plan that
 5 Honda has something that is in writing?
 6 A. No.
 7 Q. Ordinarily when a company the size of
 8 Honda would have something that it calls a plan,
 9 there would be some writings to reflect that, whether
 10 they're paper or electronic.
 11 Is this plan something that's been in
 12 development for a while?
 13 A. Oh, yes. It's not a written plan per se,
 14 I guess I was trying to say. We have some identified
 15 programs and some projects to meet targets. But it's
 16 an internal document.
 17 Q. I understand, maybe I gave you a bad
 18 question. I didn't necessarily mean to say do you
 19 have a document with a capital P Plan on it, but are
 20 there documents that reflect what these programs and
 21 projects would be to produce this commitment?
 22 A. Oh, yes, there are.
 23 Q. And what do you call those?
 24 A. It's our internal energy conservation
 25 targets.

1 MR. FARUKI: Howard, I'll make a request
 2 for that. I can follow up with an e-mail.
 3 MR. PETRICOFF: Okay. We'll have to --
 4 at this point we've not signed the confidentiality
 5 agreement. So we will need a confidentiality
 6 agreement with you.
 7 MR. FARUKI: I certainly agree to that.
 8 MR. PETRICOFF: So with that --
 9 MR. FARUKI: We can use the one we've
 10 offered, Howard, or if you've got your favorite form,
 11 shoot it along to me.
 12 MR. PETRICOFF: Okay, I'll send that out,
 13 and while that's happening we'll gather together some
 14 of these plans.
 15 MR. FARUKI: Okay. Off the record.
 16 (Off the record.)
 17 MR. FARUKI: Let's go back on the record.
 18 BY MR. FARUKI:
 19 Q. Would you describe for us,
 20 Mr. McClelland, what you see the benefits to Honda as
 21 being the opt out that you intend to apply for?
 22 A. Well, obviously it helps Dayton Power and
 23 Light that we're going to conserve and we have a
 24 program already that's in place to do that.
 25 Q. And the benefits to Honda?

1 A. Obviously we save monies on energy.
 2 Q. Anything else?
 3 A. No.
 4 Q. Do you consider the statute here of .66
 5 that we've looked at and the opportunity to apply for
 6 an exemption to the Commission to be something that
 7 serves or operates as an incentive to Honda for
 8 energy conservation?
 9 A. We feel that we are conserving energy as
 10 part of our corporate culture, so we do this anyhow.
 11 Q. Do you think that the statute that
 12 provides exemption for mercantile customers is an
 13 additional incentive?
 14 A. Yes.
 15 MR. FARUKI: Thank you, Mr. McClelland,
 16 Howard, that's all I've got.
 17 MR. PETRICOFF: I'll get you out a
 18 confidentiality agreement and may take a day or two
 19 to get some of these plans together but we'll get
 20 them out to you after that.
 21 MR. FARUKI: Let me ask if anybody else
 22 joined us from another party along the way. I didn't
 23 hear anybody else come on.
 24 Well, hearing not, I think we're done.
 25 Mr. McClelland, thank you for your time.

1 THE WITNESS: You're welcome.
 2 (Signature not waived.)
 3 (Deposition concluded at 2:00 p.m.)
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1 State of Ohio :
 2 : SS:
 3 County of _____ :
 4 I, Barry E. McClelland, do hereby certify that
 5 I have read the foregoing transcript of my deposition
 6 given on Monday, February 2, 2009; that together with
 7 the correction page attached hereto noting changes in
 8 form or substance, if any, it is true and correct.

9 _____
 10 Barry E. McClelland

11 I do hereby certify that the foregoing
 12 transcript of the deposition of Barry E. McClelland
 13 was submitted to the witness for reading and signing;
 14 that after he had stated to the undersigned Notary
 15 Public that he had read and examined his deposition,
 16 he signed the same in my presence on the _____ day
 17 of _____, 2008.

18 _____
 19 Notary Public

20 My commission expires _____
 21 _____
 22 _____
 23 _____
 24 _____
 25 _____

CERTIFICATE

1 State of Ohio :
 2 : SS:
 3 County of Franklin :
 4 I, Julieanna Hennebert, Notary Public in and
 5 for the State of Ohio, duly commissioned and
 6 qualified, certify that the within named Barry E.
 7 McClelland was by me duly sworn to testify to the
 8 whole truth in the cause aforesaid; that the
 9 testimony was taken down by me in stenotypy in the
 10 presence of said witness, afterwards transcribed upon
 11 a computer; that the foregoing is a true and correct
 12 transcript of the testimony given by said witness
 13 taken at the time and place in the foregoing caption
 14 specified and completed without adjournment.
 15 I certify that I am not a relative, employee,
 16 or attorney of any of the parties hereto, or of any
 17 attorney or counsel employed by the parties, or
 18 financially interested in the action.

19 IN WITNESS WHEREOF, I have hereunto set my
 20 hand and affixed my seal of office at Columbus, Ohio,
 21 on this 3rd day of February, 2009.

22 _____
 23 Julieanna Hennebert, Registered
 24 Professional Reporter, and
 25 Notary Public in and for the
 State of Ohio.

My commission expires February 19, 2013.
 (JUL-1364)

| | | | | |
|--|---|---|--|--|
| <p>A</p> <p>Accounting 1:11 achieving 11:17 action 21:11 actual 6:13 additional 18:13 adequate 14:6 adjacent 7:8 adjournment 21:9 affixed 21:13 aforesaid 21:6 afternoon 3:1 4:6,7 aggressive 9:7 agree 7:10 10:6 17:7 agreeable 5:15 agreement 17:5,6 18:18 ahead 13:2 air 12:3,4 alerted 4:15 Amended 1:15 America 4:12 amount 8:5 14:10 answer 16:1 anybody 18:21,23 APPEARANCES 2:1 applicable 3:8 Applicant 2:5 3:7 application 1:3,6,9,13 10:20 12:19 apply 10:24 12:17 14:7 17:21 18:5 Approval 1:4,7,10,14 approximate 7:22,25 8:14 arrangement 10:18 asking 14:22,25 assembly 12:7,13 attached 20:4 attention 7:1 10:1 attorney 21:10,11 audible 5:9 Authority 1:11 authorized 14:10 available 6:2 8:7 12:4 aware 6:20 8:12</p> | <p>15:25 benefits 17:20,25 beyond 6:7 Bill 6:8 9:3,4,11,13 11:19 bit 13:12 Book 5:21 Briefly 5:6 broaden 13:12 building 12:10,13</p> <hr/> <p>C</p> <p>calculation 8:8 call 16:23 called 3:7 5:21 calls 16:8 capabilities 15:19 capability 15:24 capital 16:19 caption 21:8 case 1:4,7,10,14 6:21 9:11 12:16 cause 21:6 CCEM 12:17 14:9 15:1 Center 6:15 7:9 century 8:1 certain 1:10 14:21 certainly 17:7 CERTIFICATE 21:1 certified 4:3 certify 20:3,9 21:5,10 cetera 12:18 chance 15:12 changes 20:4 character 3:12 Charles 2:2 chillers 12:3 Civil 3:8 climate 8:13 Code 1:12 Columbus 1:21 2:7 21:13 come 13:19 14:5 18:23 comes 12:19 commences 5:1 commission 1:1 10:24 12:17 18:6 20:16 21:18 commissioned 21:4 commit 8:25 15:18 commitment 11:13 15:22 16:21 committees 14:2 companies 13:6,10,15 company 1:4,7,10,14 7:13 16:7 completed 21:9 components 12:6</p> | <p>compressed 12:3 computer 21:7 conception 10:17 concluded 19:3 confident 11:17 confidentiality 17:4,5 18:18 conservation 6:23 8:8 9:18 11:17,23 13:16 16:3,4,24 18:8 conserve 17:23 conserving 18:9 consider 7:17 9:7,16 15:23 18:4 consult 6:17 consultant 6:24 consumed 8:5 consumption 11:9 contacted 13:5 contemplate 14:11 contemplating 14:16 contemporary 8:21 contribute 16:3 corporate 1:15 18:10 correct 4:24 9:20 20:5 21:7 correction 4:16 5:1 20:4 counsel 3:5 21:11 country 8:13 County 20:2 21:3 course 8:12 13:8,13 court 5:10 Courthouse 2:3 Cox 2:2 culture 18:10 current 8:13,15,20 customer 7:12,18 14:18 14:21 customers 15:17 18:12 customer-sited 15:19 cut 13:1</p> <hr/> <p>D</p> <p>date 7:23,25 day 18:18 20:11 21:13 days 14:4 Dayton 1:3,6,9,13 2:4 7:12 17:22 deal 4:16 deals 12:2 delivery 7:5,16 demand 15:18,24 demonstration 11:4 deposed 5:4 deposes 4:3 deposition 1:17 3:6 4:8 5:7 19:3 20:3,9,11</p> | <p>describe 10:16 11:25 14:20 17:19 designed 15:10 determine 13:15 developed 6:11 development 16:12 direct 4:19 7:1 9:25 discussed 13:3 discussion 13:21 distribution 7:12,18 document 16:16,19 documents 16:20 doing 13:8 downturn 8:15,20 DP&L 7:6,18 8:7 14:22 DP&L's 5:18 duly 4:2 21:4,5</p> <hr/> <p>E</p> <p>E 1:18 3:7 4:1,12 20:3 20:7,9 21:5 earlier 11:14 early 7:24 East 1:21 2:7 6:14 7:8 7:11 economic 8:13,15 economy 8:18,22 efforts 13:14 elaborate 14:22 Electric 1:5 electronic 16:10 employed 21:11 employee 21:10 ends 14:15 energy 6:24 7:6 8:5 11:9,9 14:1 16:2,4,24 18:1,8,9 entire 9:13 errata 4:23 error 4:21 ESP 5:20,24 estimate 8:6 et 12:17 exact 8:4 EXAMINATION 4:4 examined 20:11 excess 11:17 exemption 10:25 15:17 18:6,12 existing 15:20 expect 8:14,22 expires 20:16 21:18 explain 11:7 explanations 5:10 e-mail 13:22 17:2</p> | <p>facility 7:8,11,17 12:8 fact 4:15 Fair 9:1 far 10:21 Faruki 2:2,2 4:5,14 5:2 17:1,7,9,15,17,18 18:15,21 favorite 17:10 February 1:22 3:2 20:4 21:13,18 feed 8:7 feel 14:6 18:9 file 10:20 filed 6:22 filing 4:23 5:18,20,22 5:25 6:4,25 finalized 12:16 finally 8:20 financially 21:11 first 4:2,17 5:3 7:2 five-tenths 11:19 follow 10:21 17:2 follows 4:3 foregoing 20:3,9 21:7,8 form 17:10 20:5 formally 5:1 forth 11:19 14:18 15:21 Franklin 21:3 front 6:3,4 9:21 full 4:10 further 4:14</p> <hr/> <p>G</p> <p>gather 17:13 Gay 1:21 2:7 general 5:17 given 20:4 21:8 go 4:14 13:2 14:8 17:17 going 6:24 8:17,25 10:20 11:16 12:22 17:23 Good 4:6,7 guess 5:23 10:21 14:24 16:14</p> <hr/> <p>H</p> <p>hand 21:13 happen 8:23 happening 17:13 hear 5:9 18:23 hearing 4:25 18:24 helps 17:22 Hennebert 1:19 21:4 21:15 hereinafter 4:2 hereto 20:4 21:10 hereunto 21:12</p> |
| <p>B</p> <p>back 14:9,11 17:17 bad 16:17 Barry 1:18 3:6 4:1,12 20:3,7,9 21:5 Basically 6:23 8:9 basis 11:21 begins 15:10 behalf 2:5,8 believe 8:24 11:24</p> | <p>15:25 benefits 17:20,25 beyond 6:7 Bill 6:8 9:3,4,11,13 11:19 bit 13:12 Book 5:21 Briefly 5:6 broaden 13:12 building 12:10,13</p> <hr/> <p>C</p> <p>calculation 8:8 call 16:23 called 3:7 5:21 calls 16:8 capabilities 15:19 capability 15:24 capital 16:19 caption 21:8 case 1:4,7,10,14 6:21 9:11 12:16 cause 21:6 CCEM 12:17 14:9 15:1 Center 6:15 7:9 century 8:1 certain 1:10 14:21 certainly 17:7 CERTIFICATE 21:1 certified 4:3 certify 20:3,9 21:5,10 cetera 12:18 chance 15:12 changes 20:4 character 3:12 Charles 2:2 chillers 12:3 Civil 3:8 climate 8:13 Code 1:12 Columbus 1:21 2:7 21:13 come 13:19 14:5 18:23 comes 12:19 commences 5:1 commission 1:1 10:24 12:17 18:6 20:16 21:18 commissioned 21:4 commit 8:25 15:18 commitment 11:13 15:22 16:21 committees 14:2 companies 13:6,10,15 company 1:4,7,10,14 7:13 16:7 completed 21:9 components 12:6</p> | <p>compressed 12:3 computer 21:7 conception 10:17 concluded 19:3 confident 11:17 confidentiality 17:4,5 18:18 conservation 6:23 8:8 9:18 11:17,23 13:16 16:3,4,24 18:8 conserve 17:23 conserving 18:9 consider 7:17 9:7,16 15:23 18:4 consult 6:17 consultant 6:24 consumed 8:5 consumption 11:9 contacted 13:5 contemplate 14:11 contemplating 14:16 contemporary 8:21 contribute 16:3 corporate 1:15 18:10 correct 4:24 9:20 20:5 21:7 correction 4:16 5:1 20:4 counsel 3:5 21:11 country 8:13 County 20:2 21:3 course 8:12 13:8,13 court 5:10 Courthouse 2:3 Cox 2:2 culture 18:10 current 8:13,15,20 customer 7:12,18 14:18 14:21 customers 15:17 18:12 customer-sited 15:19 cut 13:1</p> <hr/> <p>D</p> <p>date 7:23,25 day 18:18 20:11 21:13 days 14:4 Dayton 1:3,6,9,13 2:4 7:12 17:22 deal 4:16 deals 12:2 delivery 7:5,16 demand 15:18,24 demonstration 11:4 deposed 5:4 deposes 4:3 deposition 1:17 3:6 4:8 5:7 19:3 20:3,9,11</p> | <p>describe 10:16 11:25 14:20 17:19 designed 15:10 determine 13:15 developed 6:11 development 16:12 direct 4:19 7:1 9:25 discussed 13:3 discussion 13:21 distribution 7:12,18 document 16:16,19 documents 16:20 doing 13:8 downturn 8:15,20 DP&L 7:6,18 8:7 14:22 DP&L's 5:18 duly 4:2 21:4,5</p> <hr/> <p>E</p> <p>E 1:18 3:7 4:1,12 20:3 20:7,9 21:5 earlier 11:14 early 7:24 East 1:21 2:7 6:14 7:8 7:11 economic 8:13,15 economy 8:18,22 efforts 13:14 elaborate 14:22 Electric 1:5 electronic 16:10 employed 21:11 employee 21:10 ends 14:15 energy 6:24 7:6 8:5 11:9,9 14:1 16:2,4,24 18:1,8,9 entire 9:13 errata 4:23 error 4:21 ESP 5:20,24 estimate 8:6 et 12:17 exact 8:4 EXAMINATION 4:4 examined 20:11 excess 11:17 exemption 10:25 15:17 18:6,12 existing 15:20 expect 8:14,22 expires 20:16 21:18 explain 11:7 explanations 5:10 e-mail 13:22 17:2</p> <hr/> <p>F</p> <p>facilities 6:15</p> | <p>facility 7:8,11,17 12:8 fact 4:15 Fair 9:1 far 10:21 Faruki 2:2,2 4:5,14 5:2 17:1,7,9,15,17,18 18:15,21 favorite 17:10 February 1:22 3:2 20:4 21:13,18 feed 8:7 feel 14:6 18:9 file 10:20 filed 6:22 filing 4:23 5:18,20,22 5:25 6:4,25 finalized 12:16 finally 8:20 financially 21:11 first 4:2,17 5:3 7:2 five-tenths 11:19 follow 10:21 17:2 follows 4:3 foregoing 20:3,9 21:7,8 form 17:10 20:5 formally 5:1 forth 11:19 14:18 15:21 Franklin 21:3 front 6:3,4 9:21 full 4:10 further 4:14</p> <hr/> <p>G</p> <p>gather 17:13 Gay 1:21 2:7 general 5:17 given 20:4 21:8 go 4:14 13:2 14:8 17:17 going 6:24 8:17,25 10:20 11:16 12:22 17:23 Good 4:6,7 guess 5:23 10:21 14:24 16:14</p> <hr/> <p>H</p> <p>hand 21:13 happen 8:23 happening 17:13 hear 5:9 18:23 hearing 4:25 18:24 helps 17:22 Hennebert 1:19 21:4 21:15 hereinafter 4:2 hereto 20:4 21:10 hereunto 21:12</p> |

| | | | | |
|--|---|---|---|--|
| <p>Honda 2:8 4:12 7:5,8 7:21 12:16 15:22,23 16:5,8 17:20,25 18:7 Honda's 6:20 7:11 10:18 Howard 2:6 4:14 17:1 17:10 18:16</p> <p style="text-align:center">I</p> <p>idea 10:16 12:24 13:19 identified 16:14 incentive 18:7,13 Industrial 13:25 information 14:16,21 14:25 15:3 insofar 6:19 integration 15:20 intend 16:2 17:21 intends 15:23 intentions 13:15 interest 6:22 14:12 interested 21:11 interests 6:20 internal 11:23 12:2 16:16,24 Ireland 2:2</p> <p style="text-align:center">J</p> <p>J 2:2 joined 18:22 Julicanna 1:18 21:4,15 JUL-1364 21:19</p> <p style="text-align:center">K</p> <p>keep 5:8 kind 15:13 know 6:13 7:21 knowledge 6:16</p> <p style="text-align:center">L</p> <p>leading 13:14 learned 13:9 Let's 17:17 level 8:14 Liberty 6:14 7:8,11 Light 1:4,7,10,14 7:12 17:23 line 4:20 7:3,3,20 9:3 10:13,24 11:16 12:7 12:15,22 lines 8:3 11:2 14:8,20 list 12:23 13:20 listed 4:21 LLP 1:21 load 12:3 located 7:7 long 2:10 7:21 9:14 14:14 15:14</p> | <p>look 9:21 15:6 looked 15:7 18:5 looking 8:9 10:23 Ludlow 2:3</p> <p style="text-align:center">M</p> <p>M 2:6 making 10:22 Manufacturing 4:13 Marysville 4:13 materials 6:2,17 matter 1:3,6,9,13 5:19 maximum 14:4 McClelland 1:18 3:7 4:1,6,12,25 5:3 7:4 17:20 18:15,25 20:3 20:7,9 21:5 McClelland's 4:19 mean 12:10 13:1 16:18 mechanism 15:10 meet 11:11,24 16:3,15 megawatts 8:9 11:13 member 14:1 mentioned 11:13 mercantile 10:18 14:17 14:21 15:17 18:12 metering 7:11,21,22 minute 9:22 mislead 7:4 missed 14:9 Monday 1:22 3:1 20:4 monies 18:1</p> <p style="text-align:center">N</p> <p>name 4:10 named 21:5 necessarily 16:18 necessary 14:18 need 7:23 14:6 17:5 needs 13:9,15 new 15:20 normal 8:18 normality 8:18 North 2:3 nos 5:10 Notary 1:19 3:9,12 20:10,14 21:4,16 notes 3:10 noting 20:4 number 4:21 8:23,24</p> <p style="text-align:center">O</p> <p>obtained 14:22 obviously 17:22 18:1 offered 17:10 office 21:13 offices 1:20 official 3:12</p> | <p>Oh 16:13,22 Ohio 1:1,11,20,21 2:4,7 4:13 13:25 20:1 21:2 21:4,13,17 Okay 7:17 9:1,22 10:2 12:12 15:2,11,15 17:3,12,15 OMA 14:1 once 15:12 ongoing 11:9 operates 18:7 operation 12:14 opinion 9:9 opportunity 18:5 opt 12:17,23 13:20 15:1 17:21 order 12:16,19 Ordinarily 16:7 organizations 13:25</p> <p style="text-align:center">P</p> <p>P 16:19 page 4:19,21 7:3,20 9:2 10:13,23 11:3,16 12:15,22 14:8,15 20:4 paid 7:21 paint 12:13 paper 16:10 part 11:9,10,12 18:10 particular 9:25 particularly 10:10 parties 3:6 21:10,11 parts 5:19 6:25 party 18:22 paying 14:9,11,17 payments 14:9 Pease 1:21 2:6 percent 11:18,19 period 14:4 permitted 10:24 pertinent 9:17 10:6 15:1 Petricoff 2:6 4:18 17:3 17:8,12 18:17 physically 7:5 piece 6:24 9:18 15:18 pieces 7:2 10:3 place 7:22 17:24 21:8 plan 1:5,15 10:25 11:12 12:18 16:3,4,8,11,13 16:19 plans 11:8 13:9 17:14 18:19 plant 12:8 Plaza 2:3 please 4:11 point 6:3 8:4 10:10</p> | <p>15:5 17:4 portion 5:25 9:4 portions 9:11 position 13:4 Power 1:4,7,10,14 7:12 17:22 precise 7:23 preliminary 12:23 13:20 prepared 4:20 presence 3:11 20:11 21:7 PRESENT 2:9 probably 4:24 7:24 Procedure 3:8 process 6:12 10:21,22 produce 16:21 Professional 21:16 program 11:10 17:24 programs 11:24 12:1,2 13:17 16:15,20 projects 16:15,21 proof 3:11 property 7:7 proprietary 8:5 provides 18:12 Public 1:1,19 20:11,14 21:4,16 purposes 8:7 9:10 Pursuant 1:11 put 6:16 P.L.L. 2:2 p.m. 1:22 19:3</p> <p style="text-align:center">Q</p> <p>qualification 3:12 qualified 21:5 question 8:17 13:12 14:19 16:18 questions 5:13,17 quote 15:18,18,20</p> <p style="text-align:center">R</p> <p>read 5:18,20,24 9:13 15:12,15 20:3,11 reading 20:10 recall 10:11 recommendation 12:23 record 17:15,16,17 recover 15:10 reduce 11:8 reduced 3:9 reducing 12:3 reduction 11:10 refer 10:13 referring 9:3 reflect 16:9,20 regard 8:3 9:2 11:2</p> | <p>13:10,16 15:22 Registered 21:15 related 12:9 relative 21:10 relatively 12:19 relevant 10:10 rephrase 5:14 reporter 5:10 21:16 represent 6:25 request 17:1 required 11:18 Research 6:15 7:9 respective 3:6 response 15:19,24 responses 5:8,9 Rev 1:11 reviewed 9:4,12 10:4 10:15 Revised 1:7 right 14:12 rule 10:22 Rules 3:8 runs 14:3</p> <p style="text-align:center">S</p> <p>Sater 1:20 2:6 save 18:1 says 4:3 15:16 se 16:13 seal 21:13 section 10:9,12,15 sections 9:16 Security 1:5 see 5:13 15:9 17:20 seen 13:21 Senate 6:8 9:3,4,11 11:19 send 17:12 sentence 14:3,14,16 15:9,13,16 Separation 1:15 served 6:15 serves 18:7 Session 3:1 set 11:19 21:12 sets 9:5 Seymour 1:20 2:6 sheet 4:23 shoot 17:11 shop 12:13 Signature 19:2 signed 17:4 20:11 signing 20:10 simply 5:13 sir 9:14 situation 6:13,14 size 16:7 soon 12:19</p> |
|--|---|---|---|--|

| | | | |
|---|--|---|---|
| <p>sorry 7:15 13:1 sort 10:17 source 10:12 specified 21:9 specify 15:2 speed 12:4 SS 20:1 21:2 stand 4:25 standpoint 7:11 10:19 start 5:17 starting 7:2 starts 14:14 State 1:19 20:1 21:2,4 21:17 stated 20:10 statement 11:22 statute 18:4,11 stenotypy 3:9 21:6 steps 13:14 stipulated 3:5 STIPULATIONS 3:4 straight 5:11 Street 1:21 2:3,7 submit 11:10 submitted 20:10 substance 20:5 substation 7:7 summarize 11:25 support 13:4 sure 5:7 8:18 9:20 15:4 surveyed 13:5 SW 2:3 sworn 4:2 21:5 systems 12:4</p> <p style="text-align: center;">T</p> <p>take 7:5 9:22 10:25 11:12 12:6,18 13:14 18:18 taken 1:18 4:8 21:6,8 takes 4:25 talk 14:4,9,17 talking 11:5 target 11:11 16:3 targets 9:3,5,8 11:24 16:15,25 Tariffs 1:8 telephone 2:2 4:9 5:6 tell 4:10 5:13,18 6:11 6:19 9:23 11:21 14:15 15:12 terms 8:17 testify 21:5 testimony 4:16,20 6:5 6:12,16,23 7:2 8:3 9:2,10,17 10:7,10,16 11:2 13:9,13 21:6,8 thank 4:18 5:2 18:15</p> | <p>18:25 Thanks 9:15 think 13:3 18:11,24 thought 11:3 three/fenths 11:18 time 8:25 14:6 18:25 21:8 today 4:24 Tony 2:10 total 12:8,14 traffic 13:22 transcribed 3:10 21:7 transcript 20:3,9 21:8 transmission 7:14,16 Transportation 6:14 7:9 troubles 8:22 true 20:5 21:7 truth 21:6 trying 16:14 Turn 8:1 two 18:18 type 14:15 typographical 4:20</p> <p style="text-align: center;">U</p> <p>undersigned 20:10 understand 5:12,16 8:4 14:19,24 15:25 16:17 understanding 10:13 units 12:5 use 6:16 17:9 Users 13:25 UTILITIES 1:1</p> <p style="text-align: center;">V</p> <p>ventilation 12:4 voice 5:8 Vorys 1:20 2:6</p> <p style="text-align: center;">W</p> <p>waived 3:13 19:2 want 4:16 way 8:19 16:1 18:22 welcome 19:1 weld 12:13 went 6:12 we'll 4:23 5:1 10:21 17:3,13 18:19 we're 8:9,12,24 10:20 14:1 17:23 18:24 we've 17:4,9 18:5 WHEREOF 21:12 witness 3:7,11 19:1 20:10 21:7,8,12 work 4:11 8:21 10:17 10:18 13:8,24 working 13:13</p> | <p>writing 3:9 16:5 writings 16:9 written 10:15 16:13</p> <p style="text-align: center;">Y</p> <p>Yeah 8:2 year 7:22 8:10 yeses 5:10</p> <p style="text-align: center;">0</p> <p>08-1094-EL-SSO 1:4 08-1095-EL-ATA 1:7 08-1096-EL-AAM 1:10 08-1097-EL-UNC 1:14</p> <p style="text-align: center;">1</p> <p>1:30 1:22 10 2:3 7:3,3 14 4:20,21 18 11:16 19 21:18</p> <p style="text-align: center;">2</p> <p>2 1:22 3:2 7:3,20 14:8 20:4 2.2 8:9,10,23 11:13 2:00 19:3 20 12:15 2000s 7:24 2008 20:12 2009 1:22 3:2 11:18 20:4 21:13 2010 11:19 2013 21:18 21 9:3 221 6:8 9:5,11 11:20 26 7:4 27 12:22</p> <p style="text-align: center;">3</p> <p>3 7:20 9:2 10:13,24 14:8,14 3rd 21:13 30 10:13 33,000 4:21 333 4:22</p> <p style="text-align: center;">4</p> <p>4 4:19 10:23 11:3,16 12:15,22 14:3 43216 2:7 45402 2:4 4905.13 1:12 4928.66 9:19 4928.66(A)(2)(c) 10:1 4928.66(A)(2)(c) 15:6</p> | <p style="text-align: center;">5</p> <p>5 11:2 14:3,8,15,20 500 2:3 52 1:21 2:7</p> <p style="text-align: center;">6</p> <p>6 8:3 11:3 14:20 66 18:4</p> <p style="text-align: center;">7</p> <p>7 8:4 11:3 14:20</p> <p style="text-align: center;">8</p> <p>8 8:4 14:15</p> <p style="text-align: center;">9</p> <p>90 14:4</p> |
|---|--|---|---|